



DV AWARE* Multidisciplinary Institute Curriculum

Helping Courts Implement Safety Protocols for Domestic Violence Risk

June 2022

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* Domestic Violence Analysis Warning, Action, Recovery, and Engagement

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MODULE 1. CURRICULUM OVERVIEW

- I. The DV AWARE Project
- II. Content, Goals, and Learning Objectives
- III. Delivery, Use, and Timing

CURRICULUM OVERVIEW

I. THE DV AWARE PROJECT. One in four women, and one in seven men, have been the victims of severe physical violence by an intimate partner in their lifetime.¹ Many survivors and their abusers appear in juvenile and family courts to resolve divorce, child support, visitation, and custody disputes, or in response to child abuse and neglect cases where the court culture is more relaxed than criminal courts in order to be friendlier to families and unrepresented litigants.

We know that perpetrators of domestic violence threaten the safety and well-being not only of their intimate partners and children, but also of their communities. In a recent United States Secret Service report, Mass Attacks in Public Spaces, 35% of attackers had committed prior acts of domestic violence.² Other studies have also found a link between mass shootings and domestic violence.³ We also know that, for many perpetrators of domestic violence, power and control tactics will escalate as they perceive a loss of power and control. This presents not only an alarming risk to victims, but to courts, which represent

¹ "Statistics." The National Coalition Against Domestic Violence, 2020. Retrieved: <https://ncadv.org/STATISTICS>

² Retrieved from <https://www.secretservice.gov/sites/default/files/reports/2020-09/MAPS2019.pdf> (last accessed May 24, 2022).

³ See e.g., Geller, Lisa B., Booty, Marissa, Crifasi, Cassandra K. The role of domestic violence in fatal mass shootings in the United States, 2014-2019. *Injury Epidemiology* (2021) 8:38, retrieved from <https://injejournal.biomedcentral.com/articles/10.1186/s40621-021-00330-0> (last accessed May 24, 2022); Gold, Liza H. Domestic Violence, Firearms, and Mass Shootings. *J. Am. Acad. Psychiatry Law* 48(1) (2020), retrieved from <http://jaapl.org/content/early/2020/02/05/JAAPL.003929-20.abstract> (last accessed May 24, 2022).

authority and loss of control to many perpetrators of domestic violence, as does a loss of parental rights. In a study looking at courthouse violence for the span of a century (1907-2007), domestic violence was the motive in one-third of courthouse shootings.⁴

The National Council of Juvenile and Family Court Judges' (NCJFCJ) Helping Courts Implement Protocols for Domestic Violence Analysis, Warning, Action, Recovery, and Engagement (DV AWARE) Project seeks to improve juvenile and family courts' ability to anticipate dangerous incidents in their courts associated with domestic violence, respond in a manner that mitigates these tragedies, and recover from violence in their courts with trauma-informed, healing strategies for the court and community.

The Project and this DV AWARE Multidisciplinary Institute curriculum is made possible through an award from the State Justice Institute (SJI) to NCJFCJ and support from Project partners, which includes: Aequis Global Security; the National Center for State Courts, Court Security and Court Facilities; the National Association for Court Management; the New Jersey Superior Courts; Johns Hopkins University, Domestic Violence and Risk Assessment; the Washoe County (NV) Sheriff's Office, the Middlesex County (MA) Sheriff's Office; the Major Counties Sheriffs Association, the Salt Lake County (UT) Sheriff's Office, the Fayette County (KY) Sheriff's Office, the National Sheriffs Association Domestic Violence and Crime Services Division, the Petersburg County (VA) Sheriff's Office, the Cook County (IL) Domestic Violence Court, Legal Services of Northern Virginia, Badiga Law Office, and the Legal Aid Center of Southern Nevada.

NCJFCJ would also like to thank the following individuals for their assistance, contributions, and input in the development of this curriculum and its content: John F. Muffler, Hon. Katherine Tennyson (Ret.), Hon. Michael K. Newell, Nathan

⁴ "Research Note: Courthouse Shootings 1907-2007." 2010 Sage Publications. Gregg W. Etter and Warren G. Swymeler. 14(1) 90-100.

Hall, Greg Lambard, Kathy Griffin, Jacquelyn Campbell, Sheriff Darin Balaam, Captain Phil Jones, Sheriff Peter Koutoujian, Sheriff Rosie Rivera, Sheriff Kathy Witt, Sheriff Vanessa Crawford, Stephanie Senuta, Dipti Pidikiti-Smith, Jaya Badiga, and Stephanie McDonald.

II. CONTENT, GOALS, AND LEARNING OBJECTIVES.

A. Content. The curriculum consists of this overview and five additional curriculum “modules,” which are:

- *Welcome, Overview, and Introductions*
- *Domestic Violence Dynamics: The Bigger Picture*
- *Analysis and Warning: Risk Awareness and Communication*
- *Action: Responding Effectively to Violence*
- *Recovery and Engagement: Community Healing*

This document consists of a curriculum outline for faculty teaching the Institute and includes learning objectives, detailed instructions to the faculty, descriptions of and instructions for facilitating exercises, information regarding handouts, summaries of learning points, and text corresponding to PowerPoint slides and other audio-visual aids. PowerPoint slides, referenced herein as “[Slide #],” provide visual support of selected materials, such as factual summaries, discussion questions, and learning points. Similarly, handouts for participants are referenced herein as “(Handout #).”

B. Goals. On any given day, judicial officers, court employees, the public, counsel, inmates, victims, and families enter court space and intersect. In every courthouse, people can lose their finances in civil court, freedom in criminal court, and family in domestic court, where significant, life-altering decisions are made daily. The purpose of DV AWARE is to enhance the capacity and capabilities of courts and communities. DV AWARE brings together community organizers, judges, law enforcement, victim advocates, court administrators and anyone with

a stake in domestic violence awareness, personal and physical security measures, and countermeasures with the goals of providing:

- Training and tools to critically analyze their own court systems for the risks posed to their staff, community, and the administration of justice by domestic violence perpetrators.
- Guidance, tools, and collaborative partnerships to address gaps in training, communication, and protocols that make them vulnerable to violence and ill prepared to lead their courts and communities in recovery.
- Resources and guidance to encourage their teams in continued, structured learning about the risks of domestic violence perpetrators to their families and communities, mitigation of these risks, and elements of recovery that support confidentiality, healing, safety, and community.

C. Learning Objectives. This curriculum is designed with overarching Institute learning objectives as well as learning objectives for each module. The learning objectives for the Institute and each of its major modules are as follows:

OVERALL INSTITUTE OBJECTIVES. *By the end of this training, learners will be able to:*

- Understand the elements of effective planning for and response to domestic violence-related dangerous incidents in courts.
- Analyze their readiness and capacity to respond to domestic violence-related dangerous incidents.
- Create and apply policies, practices, and procedures aimed at improving court/system readiness and response.

DOMESTIC VIOLENCE: THE BIGGER PICTURE. *By the end of this module, learners will be able to:*

- Recognize the dynamics of domestic violence, including victim and offender behavior inside and outside the courtroom.
- Explore the dynamics of domestic violence relating to considerations of risk and safety for your court.
- Understand court and community interactions with parties in domestic violence cases.

ANALYSIS AND WARNING: RISK AWARENESS AND COMMUNICATION. *By the end of this module, learners will be able to:*

- Analyze the risks posed to their court and appraise the gaps and barriers in their courts' response systems and plans.
- Structure their court's risk awareness and communications systems to adapt and respond to identified risks.
- Implement a systemic response strategy that incorporates best practices and procedures.

ACTION: RESPONDING EFFECTIVELY TO VIOLENCE. *By the end of this module, learners will be able to:*

- Evaluate emergency response resources among and between agencies/systems.
- Appraise the gaps and barriers in their courts' response systems and plans.
- Formulate and implement effective response plans and protocols.

RECOVERY AND ENGAGEMENT: COMMUNITY HEALING. *By the end of this module, learners will be able to:*

- Use available resources to design and implement collaborative short- and long-term recovery strategies that support confidentiality, healing, safety, and community.

- Engage effectively in a trauma-informed way with staff, the public, and community about any incident.
- Assemble a balanced and ongoing process and approach that considers safety, access, facility, and environment.

III. DELIVERY, USE, AND TIMING.

A. Delivery and Use. The Institute curriculum is designed to be delivered in person by a panel of expert faculty that ideally includes judicial, law enforcement, administrative, civil/legal, and/or advocate representatives. It is anticipated that the Institute will be presented to local or regional court stakeholder groups, committees, or teams that work together to address court and community safety regarding domestic violence-related risks. Audiences may include judges, law enforcement officers (including police, sheriffs, bailiffs and/or other court-based security), court administrators, probation officers, attorneys, advocates, guardians ad litem, agency/organization leadership, community partners and organizations (*i.e.*, everyone who is working in the court system and/or others within the community who may be impacted by a domestic violence-related incident within the courts.)

It is anticipated that audiences may have different levels of training and experience both with domestic violence and its dynamics as well as with emergency assessment, planning, and response to court-based or other domestic violence-related threats and incidents.

Designed in a modular format, DV AWARE is a multi-day training program that utilizes a layered approach to encourage participants to work in a multi-disciplinary setting. Expert faculty will address the module exercises, learning points as described in the curriculum outline, and timing for each module. Because each courthouse and court community has its own culture and security eco-system, this course is designed to be scalable and customizable. Faculty should encourage and facilitate open dialogue with stakeholders and not attempt a “one size fits all” approach to training.

Courthouses and victims of domestic violence are in a constant position of risk. Therefore, proper assessment tools—from physical security to behavioral risk—are critically important to understand what safety and security measures need to be in place in order to mitigate a threat. Where possible, background in risk assessment protocols should be part of an instructor's experience and/or training. Where communities and courts have prepared active threat-type response planning and training in place, delivering this course to a court/community with such plans will only enhance the overall learning experience.

The curriculum incorporates flexibility so that faculty may omit or add materials to meet the needs of participants in any particular exercise or module and/or to conform to the given time constraints in a module. Where modifications are anticipated to be needed to tailor the training content to the community of participants, instructions on how that modification may be implemented by faculty are included in the outline's faculty notes and/or instructions.

This curriculum is a working draft subject to revisions in the exercises, teaching techniques, visual aids, or learning points. Therefore, faculty is encouraged to suggest revisions on the curriculum content and use.

The latest versions of course materials included and referenced in this document, as well as materials to facilitate the exercises (*e.g.*, flipcharts or whiteboards, paper, pens/pencils, dry markers), will need to be available or delivered to the training site.

B. Timing. This Institute is designed to be delivered over 2.5 days. It is recommended that faculty members meet prior to the Institute to coordinate their final preparation and/or any required set-up for the training at the venue.

The recommended timing for each module, the segments within each module, and the exercises are contained in the outline, along with suggested times for breaks and lunch.

Each segment's faculty team needs to carefully monitor time to keep the segment moving within the time constraints. Faculty may need to adjust the exercises/discussions accordingly to stay within the allocated time for each segment.

MODULE 2. WELCOME, OVERVIEW AND INTRODUCTIONS
(30 MIN)

- I. Welcome and Introductions (5 MIN)**
- II. Institute Description (5 MIN)**
- III. Overview and Learning Objectives (5 MIN)**
- IV. Icebreaker: Visualizing and Mapping - Action Planning (15 MIN)**

WELCOME, OVERVIEW, AND INTRODUCTIONS

I. WELCOME AND INTRODUCTIONS (5 MIN) [SLIDES 1-2]

Faculty Introductions. [Slide 2] This segment begins the Institute. Faculty welcomes the participants to the Institute on behalf of the faculty and staff and provides some brief background on the Institute. Faculty asks each of the faculty members to briefly introduce themselves as they go around the room and notes that faculty bios are provided in participant folders.

Participant Introductions. Faculty asks the participants to introduce themselves individually, giving name, title/role, court and why they have come to participate in the Institute. The introductions proceed by passing a microphone around each table. **(Faculty Note:** whenever possible, use microphones for all talk in the large group, and everyone must wait for the mic to be passed – it is a matter of equal access for those who may not hear as well as others. Also, faculty may need to adjust the information requested from participants depending on time and the number of participants.)

II. INSTITUTE DESCRIPTION (5 MIN)

This curriculum and the Institute is made possible through an award from the State Justice Institute (SJI) to the National Council of Juvenile and Family Court Judges (NCJFCJ) as well as support from project partners. It was developed as part of the Helping Courts Implement Protocols for Domestic Violence Analysis,

Warning, Action, Recovery, and Engagement (DV AWARE) Project, whose goal is to improve juvenile and family courts' ability to anticipate dangerous incidents in their courts associated with domestic violence, respond in a manner that mitigates these tragedies, and recover from violence in their courts with trauma-informed, healing strategies for the court and community.

Faculty describes the Institute as follows:

- The two-and-a-half-day institute will be led by a faculty team of experienced professionals from throughout the country who have knowledge and experience around domestic violence and its risks to victims, the courtroom, and beyond.
- The Institute is participatory, interactive, and “hands-on” and is a great opportunity to discuss and engage with peers, build collaborations, and develop a plan of action.
- The Institute will:
 - Provide community teams with the training and tools needed to critically analyze their own court systems for the risks posed to their staff, community, and the administration of justice by domestic violence perpetrators.
 - Offer guidance, tools, and collaborative partnerships to address gaps in training, communication, and protocols, which make them vulnerable to violence and ill-prepared to lead their courts and communities in recovery.
 - Discuss resources to encourage their teams in continued, structured learning about the risks of domestic violence perpetrators to their families and communities, mitigation of these risks, and elements of recovery that support confidentiality, healing, safety, and community.

As part of this description, faculty should mention that a theme of the Institute is the idea of a cycle of continuous improvement **[Slide 3]**, that each module should

lead them back to reconsider their understanding, plans, and procedures with an eye to continually improve their preparedness for and response to domestic violence-related incidents in order to better provide for the safety of the victims, the courts, and the community.

Faculty may also review ground rules such as use of microphones, confidentiality, listening and speaking, and defining the Institute time as a safe space to discuss matters of significance. This includes:

- Mutual respect
- Listening with curiosity, balanced with speaking
- Asking questions
- Assuming goodwill, recognizing impact
- Being physically present throughout the meeting and giving full attention
- Respecting confidentiality
- Language and institute focus

(Faculty Note: The Institute's contents and discussions will be challenging and emotional and faculty should be sensitive that participants may need to step outside during exercises, which may be particularly triggering to individual participants.) Faculty informs participants that the Institute focuses on risk and violent incidents within and impacting courts. Included within the Institute are breaks as well as some self-care exercises, but participants should feel encouraged to practice self-care, and if they need to take a moment to themselves or debrief with a colleague, they should do so. Seminar leaders and faculty are also available to them if needed. Faculty will also review the potential for triggering exercises and videos as they come up.

III. OVERVIEW AND LEARNING OBJECTIVES (5 MIN) [SLIDE 4]

Faculty provides a brief overview of the content and format for introductory purposes. Faculty and/or staff informs participants of housekeeping information such as the location of the restrooms and other facilities. Faculty reminds other

faculty, staff, and participants to refrain from using cell phones, laptops, and tablets and to refrain from side bar conversations. Faculty asks participants to please either turn electronic devices off or place them on vibrate, and if they need to talk or place a call or text, to please leave the room before doing so. Faculty then reviews the materials in the participants' folders (indicating how the materials are ordered/numbered/colored), including the handouts and worksheets, and noting that after each module, participants will be given time to reflect on the information and consider how to apply what they learned to their daily practice/court operations.

Faculty asks participants to wait to be acknowledged by faculty to provide their input and also to wait for the microphone to speak, out of consideration for participants who have accessibility concerns.

Institute Learning Objectives [Slide 4] Faculty reviews the learning objectives for this Institute. *By the end of this training, learners will be able to:*

- Understand the elements of effective planning for and response to domestic violence related dangerous incidents in courts.
- Analyze their readiness and capacity to respond to domestic violence related dangerous incidents.
- Create and apply policies, practices, and procedures aimed at improving court/system readiness and response.

IV. MAPPING YOUR COURT: ICEBREAKER EXERCISE (15 MIN) [SLIDES 5-7]

(Faculty Note. This icebreaker serves two purposes: it is a fun warm-up activity, and it is an opportunity to lay groundwork for subsequent modules and discussions. We want participants to begin thinking about their court facilities, their current security, and their roles and responsibilities vis-à-vis one another and within the court system more broadly.)

Faculty informs participants that they will be engaging in a short icebreaker exercise **[Slide 5]**, the goal of which is to create rough drawings (e.g., one giant rectangle for the courthouse with areas designated inside, akin to a rough floor plan) of those places within their courthouses and communities they consider as part of the area included within safety planning, protection, and response for the purposes of this training.

Faculty starts by telling participants that the Institute is focused on providing court systems and their partners the tools to understand, analyze, and apply strategic responses to domestic violence-related, targeted violence. A first step is for participants to define what they consider part of their court systems for the purpose of this training. Faculty asks, *“What is the physical space you consider as part of the ‘court’ when thinking about safety planning, protection, and response?”* **[Slide 6]**

Faculty informs participants that they will work as a large group to develop a drawing showing that space. Using an available wall, flipchart pages, whiteboards, and/or a large sheet of paper will be set up and markers provided. Faculty asks participants to draw out the physical space that they consider part of the area included within safety planning, protection, and response for the purposes of this training. They should include any security measures in place in those facilities (i.e., security cameras, security guards, entrance screening, etc.) Lastly, participants will mark on their map where they are located within that space.

Some prompting questions **[Slide 7]**:

- *When you think of court safety, does it only include the actual court building?*
- *What does your court building look like?*
- *What does your court security look like?*
- *Does your security area include parking lots or additional building spaces?*

At the end of the 15 minutes, faculty asks questions of the group to allow participants to explain what they have drawn—identifying the buildings, parking, security stations, and other areas that they included in their map. Faculty closes the exercise by stating that the map will be left up during the training and will be used and developed further in later segments.

Faculty then transitions to the next module by saying, *“We will spend the balance of the morning engaged in exercises aimed at understanding the dynamics of domestic violence and how that relates to increasing court and community safety.”*

MODULE 3. DOMESTIC VIOLENCE: THE BIGGER PICTURE

(3 HOURS, 17 MIN)

- I. Description, Introduction, and Learning Objectives (3 MIN)**
- II. Defining Domestic Violence (8 MIN)**
- III. Domestic Violence Dynamics (41 MIN)**
- IV. Understanding Behavior in Court and Beyond (70 MIN)**
- 15 MIN Break**
- V. Enhancing Court Safety (60 MIN)**

DOMESTIC VIOLENCE: THE BIGGER PICTURE

I. DESCRIPTION, INTRODUCTION, AND REVIEW OF LEARNING OBJECTIVES (3 MIN) [SLIDES 8-9]

Using video, brief lectures, discussions, and exercises, this module will help participants define domestic violence, assess the contexts in which violence may occur, and understand why context is important. Context is the key to identifying intimate partner violence, determining the nature of the abuse (coercive controlling, reactive, situational), and evaluating its impacts.

Faculty starts by presenting the learning objectives. **[Slide 8]** *As a result of this module, learners will be better able to:*

- *Recognize the dynamics of domestic violence, including victim and offender behaviors inside and outside the courtroom.*
- *Explore the dynamics of domestic violence relating to considerations of risk and safety for their court.*
- *Understand court and community interactions with parties in domestic violence cases.*

II. DEFINING DOMESTIC VIOLENCE (8 MIN) [SLIDES 10-13]

Segment Focus. What is the definition of domestic violence? What is the nature and context of abuse and the impact on the victim/family? Context is the key to identifying intimate partner violence as well as determining the nature of the abuse (coercive controlling, reactive, situational), how the violence has affected the family, and the risks or dangerousness the violence indicates.

Large Group Free-Think. Faculty leads a free-think session to create a list of descriptors and acts the participants might associate with domestic violence. The ideas should not be criticized or discussed. Simply record each answer on a flipchart or whiteboard as it is offered without any comments, notes, or questions for 5 minutes. Participants may build on ideas voiced by others. **[Slide 11]** The questions posed to the large group are:

- *What does the phrase “domestic violence” mean to you?*
- *What acts do you qualify as “domestic violence”?*
- *Does domestic violence affect the court? As a workplace? As a public agency? If so, how?*

After about five minutes, faculty uses the flipcharts/whiteboards to highlight some themes, consensus, or differences identified and then informs participants that we will spend the rest of the morning exploring these questions.

[Slide 12] Faculty notes that when we think of violence against intimate partners, we are often thinking transactionally or about an incident, *i.e.*, an assault occurred, a threat was made, *etc.* This makes sense because the law is formulated based on this transactional view. However, when we think strictly about an incident, and not on the larger context of the relationship of these parties to each other and these parties to the world, we may miss opportunities not only to

provide for the safety of victims and their families but to identify potential risks. A deeper understanding of the dynamics of domestic violence is a useful tool to helping courts and multidisciplinary teams understand the potential dangers of domestic violence-related incidents in and around their courts.

Typologies research and our experience teaches us that, as the nature and context of the abuse can vary, so can the implications and risks associated with that abuse. We think of context as being about intent, meaning, and effect (who is doing what to whom and with what effect). **[Slide 13]**

III. DOMESTIC VIOLENCE DYNAMICS

(41 MIN) [SLIDES 14-34]

Faculty explains that we will show three short clips from “Big Little Lies” (HBO™ series) involving married couple Perry and Celeste that show how isolated acts or moments in relationships can be incorrectly labeled or mischaracterized without more information to reveal the full context. The four clips viewed together provide participants with the opportunity to see the potential for increased coercive controlling behaviors and the actual harm and risk of harm posed if we do not attempt to identify the full context and effect of domestic violence.

A. Videos and Large Group Discussions (26 MIN) [Slides 14-34]

Video Clip #1 and Discussion. (8 MIN) [Slide 14-19] Faculty introduces the video clip by explaining that married couple Perry and Celeste are having an argument about the fact that Perry blames Celeste for miscommunication resulting in Perry missing the kids’ school orientation. (**Faculty Note:** In this clip, Perry shoves Celeste and Celeste slaps Perry. This is a brief large group discussion.)

After the video, faculty facilitates a large group discussion around the actions of Celeste and Perry with the following questions: **[Slide 15]**

- *What forms of violence/abuse were in the clip? Would you consider any behavior you saw to be domestic violence? Why or why not?*
- *What is the purpose of Perry's violence? What is the meaning of his violence to Celeste? Its impact on her?*
- *What is the purpose of Celeste's violence? What is the meaning of her violence to Perry? Its impact on him?*

(Faculty Note. Responses to this clip may include mutual violence, reactive violence, or anger-based argument. The goal is to solicit as many diverse responses as possible including any recognition of controlling behaviors. Coercive control identifier: Perry blamed Celeste before using physical violence.)

Video Clip #2 and Discussion. (10 MIN) [Slide 16] Faculty introduces the clip by telling participants that sometime after the first clip, Celeste has agreed to help with a legal case (she is an attorney and has not been practicing but is starting to return to legal work). **(Faculty Note:** In this clip, Perry is agitated that Celeste has agreed to help with a legal case and grabs her. This scene occurs after the one participants' previously viewed. Their son enters the room and Perry stops his violence and quickly moves away from Celeste. He then happily chats with his son.)

After the video, faculty facilitates a large group discussion around Perry and Celeste with the following questions: **[Slide 17]**

- *What forms of violence/abuse were in the clip?*
- *What is the purpose of Perry's violence? What is the meaning of his violence to Celeste? Its impact on her? On their son (in the clip)?*

(Faculty Note. Depending on the responses, Faculty could ask participants what they make of the fact that Perry grabbed Celeste's neck (*i.e.*, strangulation) and what if anything that means in terms of the purpose/intent of his abuse.)

Video Clip #3 and Discussion. (8 MIN) [Slide 18] Faculty introduces the clip by stating that Celeste has moved out of the house (away from Perry) and is putting things away. She is flashing back to Perry's violence towards her, and the flashbacks include Perry severely assaulting Celeste. **(Faculty Note:** Celeste is flashing back to a time when Perry severely assaulted her. This is a brief large group discussion. Responses to this clip may include physical assault, gain control, rage, and/or escalation of danger. The goal is to show the level of violence that occurred and to reveal Perry as a batterer to set up the rest of the context discussion.)

After the video, faculty facilitates a large group discussion around Perry and Celeste with the following questions **[Slide 19]** :

- *What additional information does this scene indicate about Perry's violence?*
- *What is the impact of Perry's violence on Celeste?*

(Faculty Note: After processing the two questions, faculty may want to use examples from the previous clip discussions to highlight any context and effects that were missed, misidentified or not viewed as potentially high risk. Participants may continue to describe what they perceive as the "mutuality" of the abuse (Celeste is a "player in the game" is how one past participant characterized it) despite seeing Clip #3. If so, faculty will need to help participants focus on: (1) the totality of the information from all the clips establishing Perry as exerting power and control over Celeste, both through physical abuse and coercive control, (2) that the intent and the impact of the violence by Celeste is very different than Perry's violence, and (3) the clips show an escalation of the abuse.)

B. Domestic Violence Defined and Why Context Matters

Lecture (15 MIN) (Handout 1) [Slides 20-34]

Using examples from the videos, faculty provides a lecture on domestic violence, the contexts in which it can appear, and why that context is important. **[Slide 20]**

Faculty should quickly emphasize points that participants themselves drew from the exercises as they present the lecture.

Domestic Violence Defined.⁵ [Slide 21]

- Domestic violence is a pattern of abusive behavior in any relationship;
- Domestic violence can happen to anyone regardless of race, age, sexual orientation, religion, or gender.
- Domestic violence affects people of all socioeconomic backgrounds and education levels.
- Domestic violence occurs in both opposite-sex and same-sex relationships and can happen to intimate partners who are married, living together, or dating.
- Additional factors can indicate particularly vulnerable situations for domestic violence, such as people with disabilities, older adults, LGBTQ relationships, immigration abuse, undocumented status, teen dating, and trafficking. (Faculty may provide examples here.)

Domestic Violence Under the Law and in Courts⁶ [Slides 22-23]

- Individual state laws vary on what legally constitutes domestic violence.
- The definition of domestic violence just presented addresses the sociological behavioral definition of domestic violence.
- That definition is narrower in some ways and broader in other ways than the legal definition of domestic violence under most state statutes:
 - It is broader than the law in that it includes behavior that might not be a crime under the law, *i.e.*, financial abuse, mental abuse, technological abuse, etc.
 - It is narrower than the law in that courts will encounter many cases labeled “domestic violence” under the criminal law that do not fit the above definition. In other words, while an act may be a crime,

⁵ <http://www.justice.gov/ovw/domestic-violence>, U.S. Department of Justice, Office on Violence Against Women.

⁶ *A Guide to Domestic Violence Cases*, National Association for Court Management. 2017.

the offender's motivation and the impact on the victim may be very different depending on the circumstances in each case. In part, this is because the legal system is "incident-based" and domestic violence is often a pattern of abuse.

- There may be a spectrum of behavior, especially depending on varying levels of risk. (Faculty may provide examples here from the clips the participants watched, including escalating violence, victim blaming, child witnessing violence and/or impact on the family dynamic.)

Battering/Coercive Control. (Handout 1)⁷ [Slides 24-25]

- Domestic violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner.
- Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person.
- This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. (Faculty should refer to their answers from the free-think and video exercises).
- Distinguishing features of coercive control include:
 - Power and control tactics
 - Entitlement to control
 - Separation and challenge to authority are triggers
 - Escalation
 - Most often male perpetrated on female.

Coercive Power. [Slide 26] Coercive power involves:

- Ability to cause harm or fear of harm for non-compliance with demands/rules

⁷ The Power and Control Wheel, developed by the Domestic Abuse Intervention Project in Duluth, identifies the various kinds of behaviors that are used by batterers to gain power and control over their victims. There are adaptations of this.

- Ability to grant rewards, needed or desired things, for compliance (affection, economic support)
- Batterer's ability to achieve dominance
- Victims' belief that the abuser can and will provide consequences or rewards
- Victim's response involves choice, but not "free choice"
- Depends on abuser's use of surveillance and enforcement.

What Makes Domestic Violence Cases Challenging? [Slide 27-28]

- Since domestic violence is often cyclical in nature, courts will frequently see the same litigants and/or families appearing in court, yet the level of risk and specific safety concerns may fluctuate, contributing to the "revolving door."
- Difficult for courts to contextualize litigants that don't fall within the "traditional" victim narrative, such as women of color that don't present as sympathetic victims, LGBTQIA+ victims that don't fit into preconceived ideas of domestic violence dynamics, victims who don't show up to subsequent court dates, victims who want to co-parent, victim-abusers and other violent behavior by women, namely justice-involved women who are particularly susceptible. (Faculty may provide other examples here, considering the previous input from the group.)
- Issues of litigation abuse and the "race to the courthouse" or other court-based services like legal aid, etc.
- Finally, and perhaps most pervasively, there are societal elements of patriarchy and privilege that feed into coercive control (other examples: #MeToo, gender dynamics, etc., which make reporting difficult as well as litigating DV cases).
- Therefore, understanding the context in which violent acts occur is critical in determining appropriate interventions and safety planning for court.

Context is Critical.⁸ [Slide 29]

- Measurement of violent acts alone cannot provide the whole picture.
- Failing to distinguish one kind of domestic abuser from another can:
 - Endanger victims of ongoing violence.
 - Embolden perpetrators of ongoing violence.
 - Place families and others, including courts, at risk.

Context Means. [Slides 30-32]

- Intent, Meaning and Effect: Who is doing what to whom and with what impact? (These are the questions considered for each video clip.)
- Context means placing a litigant within the sphere of their whole lives and circumstances rather than taking one piece of their life and making assumptions about how that piece interacts with everything else happening to them:
 - Cultural norms
 - Social status/privilege/access
 - Institutional systems
 - Socioeconomic status or economic independence
- Context is not meant to excuse responsibility for criminal behavior.
- Rather the context, which includes information about the dynamics in a relationship, can impact how court personnel identify and respond in cases involving domestic violence.
- Contexts for domestic violence/ three categories of violent offenders:
 - Battering/Coercive Control: patterned use of violence, intimidation, and coercion to establish dominance
 - Resistive/Reactive: violence produced and shaped by abuse
 - Violence not involving coercive control (*e.g.*, “situational,”): violence not linked to establishing an ongoing relationship of dominance

⁸ Learning points from this point until final learning points for this lecture were adapted for this audience from *Enhancing Skills in Judicial Leadership*, National Council of Juvenile and Family Court Judges.

How Do We Determine the Context for This Act of Violence? (Intent, Meaning, Effect). [Slide 33]

- Information from parties
- History of violence
- Existence of pattern of intimidation and threats
- Intent and meaning of violence to victim
- Risk assessment (we will discuss this more later)
- Information from others

Final Points.⁹ [Slide 34]

- Not all violence is the same—it is important to grasp the complexity of domestic violence to enhance our capacity for empathetic responses and services as well as risk identification.
- It is important to recognize “coercive control” in domestic violence cases and to understand how this type of relationship might affect the cases in their courtrooms.
- Domestic violence often involves a complex pattern of behavior, and sometimes it is difficult to determine the actual dynamics between parties.
- Caution is advised. “While critics concur that not all violence is the same—rather it is important to assess the context of violent acts—they do not generally endorse differentiation of violence into various types, or they consider it premature to do so. They are wary of the unintended negative consequences of the deployment of typologies, especially the misuse of information from the assessment and dangers of incorrect categorization.”¹⁰
- With an understanding of how a power-and-control dynamic can impact the behaviors of both parties, the court staff will be able to focus on safety for the parties and court staff as well as procedural justice for both victims and abusers.

⁹ *A Guide to Domestic Violence Cases*, National Association for Court Management. 2017.

¹⁰ *Id.*

IV. UNDERSTANDING BEHAVIOR IN COURT AND BEYOND (70 MIN) (HANDOUTS 2-3) [SLIDES 35-64]

A. Rulemaking and Coercive Control

Video and Large Group Exercise (15 MIN) [Slides 36-40]

(Faculty Note. This segment continues to examine batterer behavior outside court and then shifts to focus on batterer behavior inside court.) Faculty begins the discussion by focusing on a clip of the film “Waitress,” introducing the clip by explaining that Earl and Jenna are a married couple. Jenna works at a diner and Earl has picked her up from work after her shift. **[Slide 36]** Following the video, faculty asks participants the following questions to briefly identify examples of the use of rulemaking, demands, rewards, power, and coercion from the video **[Slide 37]:**

- *What are examples of rulemaking/coercion?*
- *What were methods of enforcement?*

After hearing from participants, Faculty presents the following information on batterer rulemaking/coercion.

Basic/Fundamental Batterer Rules. [Slide 38]

- I make the rules.
- I am entitled to YOU, your obedience, services, affection, loyalty, fidelity, and undivided attention.
- You cannot leave without my permission.
- You cannot tell anyone about the abuse.

Recap of Batterer Behavior. [Slide 39]

- Typically exhibits a pattern of assaultive and controlling behavior.
- Abuse may be physical, emotional, psychological, and sexual in nature.

- Can include threats to harm self, children, other family members, pets, and property.
- Violence is used to intimidate, humiliate, or frighten victims, or to make them feel powerless.
- Number of acts that may appear minor when viewed in isolation, but collectively they form a pattern of abuse.
- Acts of violence are seldom single assaults; often multiple acts of violence, coercion, and degradation are in one event of abuse.
- Domestic violence can extend beyond the victim and household and into the community at large. An example is behavior directed towards the victim at work, impacting victim's work performance or in many cases directed towards the victim (or others) at the victim's workplace. (A common denominator in active shooters.)

B. Challenges Around Domestic Violence

**Large Group Discussion and Think/Share Exercise (45 MIN) (Handout 2)
[Slides 41-50]**

(Faculty Note. This segment transitions to focusing on the behaviors of victims and offenders as they may appear *in and outside court*. The goals are to further understand the behaviors that courts and court staff may see as well as to start looking at those behaviors in the context of both risk and trauma-responsive practice, which will be examined more specifically in subsequent modules.)

Large Group Discussion. (5 MIN) [Slide 40] Faculty begins the segment with a large group discussion and asks participants to respond to the following questions for three to four minutes:

- *In your experience, what makes domestic violence cases difficult for courts generally?*
- *For the identification of risks associated with those cases?*

Faculty note participants' comments on flip charts or whiteboards. Participants may offer issues related to or focusing on victim behavior, such as dropping protective orders or charges, hostility or "he said-she said," etc. If the conversation skews towards victim-blaming, faculty can flip the perspective to ask what about offender behavior (*e.g.*, whether, for example, they observed offenders exhibit controlling or other behaviors in the courtroom that alerted security concerns).

Camila and James.¹¹

Think/Share Exercise. (30 MIN) (Handout 2) [Slides 41-50] Faculty transitions from the Large Group Discussion by informing participants that they will now examine a court case involving domestic violence. There are two parts and questions to the scenario involving Camila and James. Participants should spend no more than 10 minutes on each part. Faculty instructs participants to individually review the case facts provided in the handout and answer the questions in the order in which they appear.

Part I—Background Facts [Slides 42-43]

Two weeks after Camila broke up with her boyfriend James and asked him to move out, she returns from work surprised to find him in her home. James tells Camila he is there to pick up his belongings. A neighbor overhears shouting and calls the police, but James is gone by the time the responding officer arrives. When the officer asks Camila what happened, she states that after she objected to James taking one of the items, he shoved her, grabbed her arm, and began shouting obscenities. The officer notes that Camila's upper arm was starting to bruise. When asked about James' whereabouts, Camila states "I don't know where he went but he said, 'I'm going to ruin your life' before leaving." Camila also states that James has previously destroyed her property, followed her, and threatened her, but he never previously physically harmed hurt her or their

¹¹ Exercise modified and adapted to this audience from *Enhancing Skills in Judicial Leadership*, National Council of Juvenile and Family Court Judges.

daughter, who was currently with her grandmother. Camila also says that she is worried that she “will never get rid of him.”

Questions. (8 MIN) [Slide 44]

- *What are some red flags that stand out about this incident? (Faculty Note. Examples may include escalation of abuse, threats, destruction of property, stalking, history of violence, potential verbal abuse in front of the child.)*
- *How serious is this behavior?*

Faculty provides 7-8 minutes for the participants to answer and then reads additional information about Camila and James.

Part II—Civil Court [Slides 45-49] Camila eventually decides to go to court and is granted an emergency order based on the above incident. After he’s served, James hires a private defense attorney. The attorney files for an order of protection against Camila, alleging that she began physically attacking James during the incident and he was merely trying to protect himself by holding her away. In the months prior to hearing, the defense attorney has sent nearly a dozen motions to Camila, mostly related to visitation and property. Outside the courtroom, Camila spots James talking to his attorney in the hallway. She hovers around until they’re looking away and hurries inside the courtroom before either of them see her. Camila checks in with the clerk, who informs her that her case will be at the end of the line. After some time, the judge finally calls her case.

Defense Attorney: Your honor, the victim has not responded to any of my client’s motions. She’s not allowing him to see their child, which my client is extremely worried about. He believes she is turning the child against him.

Judge: Would the petitioner like to respond?

Camila: Well, I told James he could see our child whenever he wants. But every time he calls me about visitation, he starts screaming at me, saying all sorts of names. I'm pretty sure I saw his car on my street last week, too.

Defense Attorney: Your honor, that's simply not true. The petitioner has no evidence of this. There's a temporary visitation schedule in place that she's required to follow. My client simply wants to see his kid regularly while the court sorts out the other issues. He has no interest in speaking with her otherwise.

Camila: Then why is he always messaging me and showing up to my house?

Judge: Ms. Costello, please wait until your turn to speak.

James: Your Honor, I just want to see my daughter. It's really painful being apart from her. And I'm trying to do anything I can to make this right for her.

Camila: You barely even show up on your weekends. And when you do, you just have your mother watch her while you're out with your friends! (*James' mother scoffs loudly in the back*).

Judge: I don't want this back-and-forth in my courtroom. We're going to get supervised exchange to minimize any contact between the parties. No harassing phone calls and no preventing visitation. Do both parties understand?

Both Camila and James nod.

Questions. (8 MIN) [Slide 50]

- *Do you often encounter this dynamic in the courthouse?*
- *What are the differences between Camila's and James' behavior?*
- *How much of this information would you or your team know at the time of the hearing?*

Faculty provides 7-8 minutes for the participants to answer, and then gives the participants a break.

Share Out. (10 MIN) Faculty asks participants to share their answers to the questions. Faculty mentions at this point the importance of identifying risk and dangerousness and notes that the underlying research indicates several validated risk factors. As an example, James' behavior contains pre-incident indicators (PINS) towards violence that, once recognized, can help court staff design and implement safety plans for the victim and the court. (**Faculty Note.** Strategies for court personnel to discern risk and develop response plans will be covered in Module 4 (Analysis and Warning) and Module 5 (Action)).

C. Victim and Perpetrator Behaviors **Lecture (10 MIN) (Handout 3) [Slides 51-63]**

Faculty presents a mini-lecture regarding victim and perpetrator behaviors in and out of court using the following bullet points as a guide. Faculty should refer to the scenario and participants' answers as relevant to particular points.

Context is Critical. [Slide 52]

- Without an understanding of the context and of DV dynamics (power and control), victim and abuser behavior can be inscrutable (at best) or misleading/eliciting responses that are harmful or dangerous.
- As demonstrated in the Camila and James exercise and the videos, victim and offender behavior must be contextualized in order to understand and respond appropriately.

Victims – Why do they stay? [Slides 53-54]

- Leaving is only one of many strategies to stay safe.
 - Leaving an abuser can be the most dangerous time for a victim since the abuser may feel like they are losing control over the relationship, leading to heightened abuse.

- Staying or returning to relationship may be safer than leaving.
- Risk—familiar risk (battery) versus unknown risk (poverty, homelessness, loss of custody/desire to keep family together, escalating violence).
- Denial and guilt: belief that abuse will never happen again.
- Love: might want violence to end but not the relationship.
- Lack of education and lower-paying jobs.
- Victims with disabilities (not always about staying or leaving but fighting for most basic needs).
- Substance abuse (abusers use to excuse behavior; victims use as coping mechanism).
- Undocumented victims (abuser controls immigration status, lack of financial resources).
- LGBTQ (these fears + fear of being outed, lack of support from friends, family, etc.).

Victim Behaviors in Court. (Handout 3) [Slides 55-57]¹²

- Victims may display a range of behaviors in court to keep themselves or their children safe:
 - Victims often deny the truth, even to themselves.
 - Sometimes victims assume responsibility for what happened to them, seeing it as personal or moral failure or source of shame. This can lead to victims avoiding eye contact while testifying or communicating (should not be interpreted as a sign that a victim lacks credibility).
 - Victims of abuse often desperately want to believe promises to change and improve.
 - Abusers will excuse, minimize, or even deny abuse, which may cumulatively cause victims to doubt their own judgment or estimation of the severity of the situation.

¹² *A Guide to Domestic Violence Cases*, National Association for Court Management, p. 11. 2017. The handout is “Domestic Violence in the Courtroom.”

- Victims may refuse to testify, fail to appear for trial, or plead with prosecutors to drop the charges because they fear they will be in further danger or believe that everything is going to be alright.
- Victims may also:
 - Feel pressure to avow love for the abuser.
 - Display agitation or a raised voice in the courtroom, including towards the judge.
 - Display anxiety about rulings by questioning decisions made by the judge.
 - Display combative intensity during proceedings.
 - Make statements supporting the abuser.
 - Publicly agree with the abuser's denial or minimization of a violent incident.
- How victims present in court may be impacted by culture: people with different backgrounds and behavior could be perceived very differently.

Abuser Behavior in Court. [Slides 58-59] (Faculty may add examples).

- Prior to coming to court, the abuser (directly or through others as in this case) may make harassing or intimidating phone calls or visits to the victim (*or others?*). These threats may involve violence to the victim, the children, or damage to property.
- During proceedings, the abuser may send notes to the victim or glance in such a way as to communicate authority over the victim. (*e.g.*, when respondents come to court with victims, hover and/or stare at them).
- Some abusers testify about how the victim's behavior "caused" them to act abusively.
- Litigation abuse, *e.g.*, abusers requesting repeated continuances to prolong legal proceedings or filing repeated motions to harass and drain resources.
- An abuser may follow the victim into the hallway or within the courtroom.
- An abuser may make statements of profound devotion or remorse to the victim and the court. Abusers are practiced at maintaining an image of life

that differs from reality. The court and attorneys may find this portrayal convincing.

- In extreme cases, victims have been assaulted as they go to and from the courthouse.

Victim Autonomy [Slide 60]

- Victims should be able to decide when to access the (civil) system, what relief will best serve their needs, and when to exit the system.
- Victims are often in the best position to determine when or if the justice system should intervene in their lives when they experience violence and what services they need.
- Courts cannot know whether interventions will be harmful or helpful, so they need to heed informed victim views and desires.
- Not all victims want to engage with the justice system or may engage and then discontinue, due to historical trauma, bias, legal concerns, safety risks, etc. (Faculty may provide examples.)
- Courts can play an important role for domestic violence victims but must be responsive, welcoming and supportive—**keep the door open**.

Impact of Trauma on Behavior. [Slides 61-62] It is possible to view Camila's (and James') behavior and past experiences as trauma responses. While trauma and trauma-responsive practice will be examined more carefully in Module 6 (Recovery and Engagement), be mindful that:

- Victims of trauma often repress memories of traumatic events. Repression is a defense mechanism that helps the human psyche protect itself from pain.¹³
- Minimization, denial, and memory loss, which are symptoms of psychological trauma, can make it extremely difficult to elicit consistent information.

¹³ *A Guide to Domestic Violence Cases*, National Association for Court Management, p. 11. 2017.

- Victims' answers may not initially indicate victimization due to fear or forgetfulness related to trauma.
- Victims may have had prior negative or traumatic experiences with law enforcement and may be afraid or distrustful as a result.
- Difficulty in identifying posttraumatic symptoms or reactions can lead to lack of referral for screening, services, and treatment for trauma and trauma-informed care.
- Often offenders have also experienced previous trauma (not providing justification for abuse) and may need trauma intervention.

Faculty concludes this segment with the following points:¹⁴

- A common frustration for courts and other justice system professionals involves victims who stay in or return to an abusive relationship.
- It is important for courts to recognize “coercive control” in domestic violence cases and to understand how this type of relationship might affect not only cases, but risks to victims, courtrooms, courts, and staff.
- Victim behavior is often contradictory, counterintuitive, and perplexing to court staff, court administration, and judges, leading to inappropriate and dangerous justice system responses.
- The many factors that contribute to a victim's decision-making may also manifest in victims' behaviors in court, such as victims who do not return or will not participate in criminal proceedings, who ask to drop protective orders, or who appear hostile or distrusting of the court.
- By understanding how a power-and-control dynamic can impact the behaviors of both parties, the court staff will be able to focus on safety for the parties and court staff and procedural justice for both victims and abusers.

BREAK (15 MIN) [SLIDE 63]

¹⁴ Certain learning points from *A Guide to Domestic Violence Cases*, National Association for Court Management, p. 11. 2017.

V. ENHANCING COURTROOM SAFETY: VISUALIZING AND MAPPING YOUR COURT SYSTEMS (60 MIN) [SLIDES 64-76]

A. Large Group Shares (10 MIN) [Slides 65-66]

Faculty begins by stating that this segment will build on the information and discussions about domestic violence and its dynamics to consider how that information can help enhance courtroom safety for any stakeholder by identifying the various court and court-related professionals who may interact with domestic violence litigants within the courthouse. Participants will build on their earlier map in order to help courts better understand whether, when, and/or how they and their staff interact with parties in domestic violence cases. Faculty explains that these diagrams will help them develop an understanding of current practices and processes and identify problem areas such as information flow, interaction points, capacity issues, risks, delays, and resource gaps.

Faculty begins by asking the large group the following question **[Slide 65]**: *“Do you consider domestic violence cases no, low, medium, or high risk?”* After providing a few minutes for participants to answer, faculty explains that an important factor of situational awareness is that domestic violence related matters will ALWAYS have the potential of some risk. For those in the group with security-focused positions (*e.g.*, bailiffs and police), common thinking is there is never NO risk in these cases, and every situation should be viewed as having some type of risk, assessing situations by assuming some risk and then determining how and when to avoid that risk becoming reality.

Faculty asks participants, given all of what we discussed in the exercises, additional facts, and the information from lectures, to reflect on and share their responses to the following additional questions about Camila and James **[Slide 66]**:

- *Without the benefit of knowing additional details, how could the court consider the risks related to James' behavior?*
- *What could the court do to be more responsive to Camila's needs? (e.g., a trauma-responsive court, providing for safety even though you may never know these details)*
- *What could the court do to be more aware and responsive?*

At the end of the allotted time, faculty moves on to the next segment.

B. Identifying Court Roles Regarding Domestic Violence Within and Beyond the Courthouse
Lecture, Pair and Share, and Large Group Mapping (50 MIN) (Handout 4) [Slides 67-76]

Pair and Share Exercise. (15 MIN) (Handout 4) Faculty instructs participants that they will work in pairs on a two-part exercise in which they first identify then later illustrate how various court-related professionals may encounter persons/parties in a domestic violence case. For the first part, each pair is asked to complete a worksheet (Handout 4) for about 15 minutes. While filling out the worksheet, participants should think about the steps a domestic violence litigant takes in the community as well the steps a litigant might take when they enter the court for information, assistance, or legal proceedings (e.g., custody, divorce, protection order, criminal proceedings) because of or relating to domestic violence.

(Handout 4) Section I: Inside and Around the Courthouse

Who in your court interacts with domestic violence-related litigants?	When and where do they have those interactions?	Where and how do those interactions overlap with others (e.g., departments, services, etc.) inside the courthouse and within the community?

Section II: Beyond the Courthouse and Into the Community

Who in your community interacts with domestic violence-related litigants?	When and where do they have those interactions?	Where and how do those interactions overlap with others (e.g., departments, services, etc.) within the community and inside the courthouse?

Large Group Mapping. (15 MIN) After participants complete the worksheet, faculty informs participants that they will now get a chance to use and improve on the map they developed during the icebreaker. For the next 15 minutes, working as a large group, participants use their earlier rough drawings and identify those places within their courthouses and communities where court staff and other professionals may encounter domestic violence cases, litigants, or parties based on places that they identified in their worksheets, adding into those places the various professional roles that may interact with domestic violence litigants. Where this exercise raises additional roles and places not previously identified, participants may add that information to their map and their worksheets.

After 15 minutes, Faculty engages in debrief discussions, focusing on the following:

Debrief. Courthouse: Who and Where? (5 MIN) [Slide 68] Faculty starts by asking members of the group to report back by first discussing their diagram with respect to the first two questions (Who interacts with domestic violence-related litigants? Where and when do they interact with domestic violence-related litigants?). Ask others to contribute anything additional as time allows, trying to avoid any redundancies.

Debrief. Community: Who and Where? (5 MIN) [Slide 69] Faculty repeats the debrief with the second questions. (Who interacts with domestic violence-related

litigants? Where and when do they interact with domestic violence-related litigants?)

Debrief. Understanding Interactions. (5 MIN) [Slide 70] Faculty asks the group about the interactions they identified with domestic violence-related parties:

- *For the interactions identified, will the court staff and other professionals know about the context and risk of the domestic violence involved?*
- *Are you represented in your worksheets or diagrams? Why or why not?*
- *Of the court staff you oversee, who interacts the most with domestic violence cases?*

At the conclusion of this debrief, faculty informs participants that we will revisit these diagrams as we delve deeper into an understanding of their current practices and processes with an eye towards identifying challenging areas such as information/case/work flow, capacity issues, risks, delays or resource gaps and, from there, developing a responsive court plan focused on improving court/system awareness, readiness, and response to the risks and harm posed to courts and communities by perpetrators of domestic violence.

Lecture. (5 MIN) [Slides 71-76] Faculty closes the segment with a lecture. Some of these points may come out during the discussion session, and faculty may summarize the discussion and move on.

Domestic violence is everywhere and touches—both directly and indirectly—various facets of your court systems.

- Types of proceedings where the courts may encounter DV litigants:
 - Criminal: victims of crime (SA, physical assault), property crimes
 - Civil: civil protection order, child support, child custody, consumer matters (contracts, loans, credit reports), divorce, property and housing matters, abuse and neglect, juvenile, probate

- Places inside the courthouse where court personnel may interact with DV cases (draw from participant responses):
 - Parking lot and elevators
 - Law library
 - Attorney's offices (defense and prosecution)
 - Lobby/security
 - Clerk's office
 - Self-help/self-represented litigants/advocate office
 - Courtrooms
 - Behind closed doors? HR, community relations, finance, court management, filing room, etc.
 - Where else? (*e.g.*, restrooms, cafeteria, meeting rooms)
- Court personnel who interact with cases that involve DV include (draw from participant responses):
 - Judge
 - Court clerks and law clerks
 - Court security officer
 - Interpreters
 - Advocates
 - Indirectly? Court leadership/management; Offices: HR, community relations, finance; Custodial staff, etc. *Who else?*
- People and places outside the courthouse that interact with DV cases
 - Service providers
 - Hospital/medical
 - Law enforcement
 - Legal services and prosecutor's office
 - Case coordinators and schedulers
 - Social services
 - School
 - Victim/witness assistant

- Be aware that domestic violence litigants can be anywhere, including people you work with, who are both powerful and not. (Faculty may provide examples.)
- Interaction with domestic violence cases extends well beyond the courthouse and many are not resolved just within the justice system.
- Many cases don't even go to hearing or trial and may require alternative services to resolve.

Roles and opportunities for coordination

- Only when all court personnel have an awareness of their own functions regarding domestic violence services, and how these interact or overlap with the functions of all court personnel, can the system understand the nature and extent of any risk factors related to domestic violence cases.
- Court staff needs to understand their interaction with and impact on domestic violence cases and the parties involved, especially when issues outside of work affect their behavior and approach (which is normal for any employee), which can in turn raise questions about safety in the workplace.
- Effective coordination and partnerships between court personnel and among agencies allow a flow of information between appropriate parties.

Faculty closes the module by indicating that the next module, Analysis and Warning, will focus on risk awareness and communication as well as action planning to put some of the information and learning points discussed in this module into practical planning.

**MODULE 4. ANALYSIS AND WARNING: RISK AWARENESS AND
COMMUNICATION**

(5 HRS, 19 MIN)

- I. Description, Introduction and Learning Objectives (3 MIN)**
- II. Awareness of Risk (90 MIN + 60 MIN LUNCH)**
- III. Risk Identification and Response Planning (85 MIN + 15 MIN BREAK)**
- IV. Risk Communications Planning and Implementation. (43 MIN)**
- V. Self-Care and Action Planning. (23 MIN)**

ANALYSIS AND WARNING: RISK AWARENESS AND COMMUNICATION

**I. MODULE INTRODUCTION AND REVIEW OF LEARNING OBJECTIVES (3 MIN)
[SLIDES 77-78]**

Using video, brief lectures, discussions, and exercises, this module will help participants increase awareness and understanding of danger, risks, and/or threats to their courts from domestic violence-related violence, including the contexts in which violence may occur, as well as strategies to analyze and communicate those risks effectively to their court and community.

Faculty notes that the previous module focused on the importance of viewing intimate partner violence in context to properly understand, consider, and address safety for victims, their families, and courts. We spent some time discussing how the contextual understanding of domestic violence relates to identification of risk. This module focuses directly on analyzing those risks. With a deeper understanding of the dynamics of domestic violence, courts and their partners can develop systemic and strategic plans to increase awareness of and respond to the potential dangers of domestic violence-related incidents in and around their courts and communicate effectively with their court and community about those dangers.

[Slide 78] Faculty presents the learning objectives. *As a result of this module, learners will be better able to:*

- *Analyze the risks posed to their court and appraise the gaps and barriers in their court's systems and plans.*
- *Structure their court's risk assessment and communications systems to adapt and respond to identified risks.*
- *Implement a systemic response strategy that incorporates best practices and procedures.*

II. AWARENESS OF RISK (90 MIN) (HANDOUTS 5-6) [SLIDES 79-113]

Faculty opens the segment **[Slide 79]** by asking, *“What do we mean by risk? How do we increase our understanding and awareness of risks posed to individuals, courts, and others related to domestic violence? How can we use that understanding to increase our awareness of domestic violence-related risks to individuals, courts, and those within the courts?”* Faculty explains that the focus of this module will be addressing those questions.

A. Defining Your Terms.

Think and Share Exercise and Lecture (20 MIN) [Slides 80-82]

Faculty begins the segment with an individual free-think session to allow each person to think about risk, dangerousness, and threats. **(Faculty Note:** Faculty prepares whiteboards or flip charts, each with a category that aligns with the participants' roles in the court/system: judges, court administrators, advocates, security, etc. After providing time for each participant to answer the questions about risk, participants are asked to share out their answers while faculty notes those answers on a flip chart or whiteboard, using the chart or board that corresponds to the role of the person responding. Faculty should take the time to

note the answers from each of the court system roles represented in the room. The purpose of this exercise is to identify how people within the court and different groups within the court may understand and describe risk, threat, or dangerousness related to domestic violence, and then to begin a discussion about those terms (as well as lethality) and how they are understood and applied.)

Think and Share Exercise. (15 MIN) Faculty starts the exercise by reminding participants of Module 3's discussion of domestic violence dynamics and context, noting that it touched briefly on how those dynamics relate to risks, threat, and dangerousness to the victim and to the court. They explain that before looking more deeply at strategies to identify and respond to risks, it is important to understand and define our terms. Faculty explains that we will engage in an exercise, starting with an individual free-think and concluding with a large group share, with the goal of helping us do that.

Faculty asks the participants to take five minutes at their tables, working on their own, to consider and write down their responses to the following questions [Slide 80]:

- *What do you think of when you hear the term "risk"?*
- *Is it the same or different from "dangerousness," "threat," or "lethality"? Please explain.*
- *For domestic violence-related incidents, where do you see risk?*
- *Whom do you consider most at risk? Who else should be considered?*

After the five minutes are up, faculty asks the participants to share out to the larger group the answers to the questions and notes the answers on the flip charts or whiteboards, organized based on the role of the person responding,

Faculty provides another five minutes to engage the participants in a discussion about their individual lists, prompting the discussion by identifying similarities, themes, and differences in their considerations of the terms associated with risk

and asking the participants to explain more about their answers and their perception of risk.

Lecture. (5 MIN) [Slides 81-82] Faculty wraps up the exercise by highlighting the areas of agreement between and among the different groups regarding their understanding of what constitutes risk, threat, dangerousness, or lethality as well as assessments of who and what are part of the risks identified.

Faculty explains that for the purposes of this training:

- The focus of the training and this segment is to understand and analyze domestic violence-related risk:
 - To the victim
 - To the victim's and/or abuser's families
 - To the judges, court staff, and anyone within the proximity of the court
 - To the courtroom, court facility, and/or grounds
 - To the justice system (perception of access to justice/fairness, etc.)
 - All delivered in some way by the perpetrator of the domestic violence

(Faculty Note. Participants may discuss or faculty may want to address any danger or risk to defendant (perpetrator, claimant, etc.) as part of the risks that courts have to consider. Victims, family members, etc., have attacked defendants in courts.)

- We are using the term “risk” as broadly as possible, as a situation involving exposure or possible exposure to danger, injury, harm, death, or loss. We may also use the terms “dangerousness,” “threat,” or “lethality” as synonymous with risk.
- Risk is also the degree of probability of that danger, injury, harm, death, or loss will occur.

- There are two types of domestic violence-related risks: non-targeted and targeted. Non-targeted is impulsive, unplanned, and spontaneous—an emotional reaction to a situation. Targeted is planned.

LUNCH (60 MIN) [SLIDE 83]

Faculty tells participants that we will use the groups' discussion about defining risks to look at barriers to risk awareness and response, starting with the different ways that people identify those risks.

B. How We Process What We See: Risk Awareness Videos, Lectures, and Large Group Exercises (47 MIN) [Slides 84-88]

Segment Focus: How do our lenses affect how we take in facts, process them, and assign them meaning? How does that influence our ability to identify, understand, and analyze risk in this context?

1. Identity and Risk Lecture and Large Group Discussion (10 MIN) [Slides 85-86]

Faculty begins the segment by asking the group to reflect on the Think and Share exercise in the previous segment, and to focus on the differences in the way they each identified or discussed risk, threat, or dangerousness. Faculty asks the participants to discuss the following questions **[Slide 85]**:

- *How do you think your role or “identity” within the system affects your “lens” with respect to seeing or identifying risk?*
- *With risks, threats, or dangerousness related to domestic violence?*

(Faculty Note. The focus of this discussion is on each individual participant's “lens” within a court and its impact on his or her identification of risk, threats, and

dangerousness. The goal is to introduce the idea of bias and culture and its impacts through this initial discussion, first recognizing our lenses and then moving the discussion towards these lenses are part of our identity or culture, which is dynamic, changing over time, and encompassing many attributes of identity beyond race or ethnicity. Faculty emphasizes the point that everyone has culture. The discussion will also focus on the realization that the court has a culture of its own with rules, practices, and language. Each of the offices or agencies represented in the room likewise have their own culture that may seem strange to those outside that group.) Faculty facilitates a large group discussion of the questions and concludes the exercise with some final points: **[Slide 86]**

- Everyone has a wealth of experiences and groups they belong to.
- This lends each person a unique culture, which affects the lenses we use to view the world.
- Victims, judges, courts, court systems and jurisdictions each have unique cultures and subcultures.
- They can contain contradictory, multi-faceted, and often-changing elements.
- Acknowledgement and understanding of these cultures and their differences and commonalities are central to how we identify and understand risk.

2. Bias and Risk

Video and Large Group Share (10 MIN) [Slides 87-88]

Next, faculty plays a video **[Slide 87]** titled, “A Father Confronts His Own Bias,” telling participants the video is a YouTube© clip from a television news broadcaster based in northern California.

<https://www.youtube.com/watch?v=WhEHOD3ZW9U>

Faculty then prompts a large group discussion by asking the following **[Slide 88]**:

- *Can you identify with this story?*
- *Have you had experiences like this?*
- *For those who have ever jumped to a conclusion, what would you have done differently?*

(Faculty Note. The questions are open-ended to allow the participants to discuss their responses to the video and their own experiences. The share out does not need to be recorded or noted on paper or flip charts.)

3. Jamie Brown and Alex Green.

Lecture and Flip Chart Exercise. (15 MIN) [Slides 89-98]

Faculty tells participants that next, they will consider their risk awareness lens in a short fact scenario. Faculty reads a short scenario to the group and then follows up with questions about the risks participants see in that scenario. The scenario is read in stages, with additional facts added after each stage. The goal is to engage the groups on the different lenses through which they view domestic violence and the way those lenses may affect their awareness of risk. Flipcharts or whiteboards are arranged throughout the room, each one organized with a different focus of possible risk, *e.g.*, risk to Jamie, risk to Alex, risk to Josh, and risk to the court. After each stage of the scenario, participants are asked to indicate on a scale of 1 to 5 how they rate the levels of risk and whether their opinion changes as the additional facts are revealed.

Scenario: Jamie Brown and Alex Green [Slides 89-90] have been together for 20 years and married for five. They have a 14-year-old son named Josh. Jamie is an army veteran and Alex is a nurse. Jamie has applied for a civil protection order from Alex twice in those five years. Jamie withdrew the first request and failed to appear at the hearing for the second. Police were called to their home on several occasions by neighbors since the last filing, complaining of domestic disputes. Jamie has also called the police, stating that Alex is physically abusive. Alex has been taken into custody at least once, but there are no current criminal charges pending for domestic abuse. Jamie has been in contact with a local culturally

specific domestic violence advocacy center, attends support group meetings whenever able to, and has filed another request for a civil protection order.

Faculty asks participants to take three minutes to identify on the whiteboards or flipcharts **[Slide 91]:** *What is the level of risk?* Depending on time, faculty may call on participants to share about whether or how they identified any risks and to whom. (**Faculty Note.** This is a quick share out (**3 MIN**). The question is open-ended to allow the groups to interpret it as they see fit and respond accordingly. The share out does not need to be recorded or noted on paper or flip charts.)

After hearing from the groups on their assessment of risk, faculty provides the following additional facts: **[Slide 92]** Jamie and Alex are a same-sex couple. Alex owns a handgun kept in a nightstand gun safe. After Jamie filed the last request for a CPO, Alex wants to seek sole custody of Josh.

Faculty provides the groups another three minutes to indicate on the flip charts or whiteboards, based on this additional information, their answer to the question **[Slide 93]:** *What is the level of risk?* If anyone changed their assessment of risk level, faculty asks them to share why. Faculty then asks the group, *does their assessment of risk change if the couple are both women? Or both men?* (**Faculty Note.** This is a longer share out (**7 MIN**) with discussion. The share out does not need to be recorded or noted on paper or flip charts. Faculty facilitates the share out as a large-group discussion of the participants' identification of risk in this scenario and how it ties to their culture, their lenses, and their biases.)

Video and Lecture. (12 MIN) [Slides 94-98]. Faculty concludes the exercise by showing a video clip, explaining that it is a segment of a longer video series called "The Gift of Fear Master Class," by Gavin de Becker who is an author and security expert. (**Faculty Note:** The clip should be played from 16:55 – 20:09.)

https://www.youtube.com/watch?v=U_MmgyOZHyl

After the video, faculty gives a lecture regarding our view of the world and the impact of that view on how we see and understand risk, which includes the following points:

- We are powerfully guided by the things we expect to see in the world.
- The unconscious mind processes vastly more information than our conscious mind by using shortcuts.
- The human mind naturally organizes ideas into categories based on experiences and observations.
- People are wedded to the idea that we can perceive things objectively, but you have to be conscious of the bias that you have in order to see the facts.
- Stereotypes are generalized images we have about groups of people, particularly about their underlying psychological characteristics or personality traits. All stereotypes are generalizations, but all generalizations are not stereotypes
- Prejudice is the tendency for an individual to prejudge others, negatively or positively, based on their group membership.
- Bias implies a distortion of judgment in favor of or against a person or thing. It can be conscious or unconscious.
- The videos and exercises from this segment are designed to provide some insight into how everyone may be impacted by misinformation, bias, or “stereotypes” about certain groups and/or behavior. This includes victims, abusers, domestic violence dynamics, LGBTQIA+, our court-based roles, and racial/ethnic groups.
- Misinformation comes to us from many sources.
- Certain aspects of a particular culture may be true of individuals or families within a particular space and time, but these aspects are not always true for everyone from that group, at all times, or in all locations.
- Focusing on one or more aspects of a group and holding the generalization to be true of all aspects makes it difficult to truly assess the circumstances of a case and the risk it presents.

- We must find other, more reliable means of predicting future dangerousness and risk.
- To process facts without the limiting implications of bias:
 - slow down decision-making
 - reconsider reasons for decisions
 - question stereotypes
 - use the support of your peers to check for bias

C. What We Know About Domestic Violence-Related Risks
Lecture and Large Group Exercise (13 MIN) (Handout 5) [Slides 99-109]

Faculty starts the segment by summarizing case facts for the first court appearance of Thomas Murto. **[Slides 100-101]** After providing the facts, faculty engages in a large group exercise to discuss the risks present in the case.

Faculty asks the large group the following questions and engages in a discussion about level of risk, dangerousness, and lethality. **[Slide 102]**

- *How serious is this incident?*
- *What, if any, is the relation of the seriousness of the incident to the risk to Sara? The court?*
- *Does the level of seriousness of an incident necessarily reflect the overall dangerousness of defendant?*
- *What about the gun?*

Faculty allows the large group 7-8 minutes to share their ideas on the seriousness of the incident and its risks and then provides a lecture with additional information about domestic violence-related risks to individuals and courts that starts with the fact that domestic violence-related cases before the court never have no risk and includes the following points.

Known Risk Factors in Domestic Violence Cases. [Slide 103]

- Threats of suicide or murder. In the vast majority of cases in which women are killed, the perpetrator first threatened her life or his own. Often the perpetrator commits suicide after killing the victim and children. The more specific the threat, the more seriously it should be viewed.
- Access to weapons. A risk of lethal violence has been associated with the perpetrator's access to or possession of weapons.
- Separation and loss of control in the relationship. Women who leave their perpetrators are at greater risk of being killed as the perpetrator loses that sense of control.
- Use of drugs and alcohol.
- Escalation of violence. Studies show that an escalation of violence can also indicate increased dangerousness.
- Victim belief that offender is capable of lethality.

Strangulation: Serious Implications in Domestic Violence Cases. (Handout 5) [Slide 104]

- One of the strongest predictors for the subsequent homicide of victims of domestic violence.
- Stranglers of women are the most likely to kill police officers in critical incident encounters, and they are often the mass shooters in this country.¹⁵
- Congress made non-fatal strangulation a stand-alone, serious felony under VAWA in 2013 with a maximum of a ten-year prison sentence and added non-fatal strangulation to the Uniform Code of Military Justice as a felony in 2019.¹⁶

¹⁵ Gwinn, C., "Men Who Strangle Women Also Kill Cops", Domestic Violence Report, Volume 7, Number 3 (2015), 197-199 (3). See also <https://www.bwjp.org/assets/3.-gwinn-plenary-strangulation.-dealing-with-the-mos.pdf>.

¹⁶ <https://www.allianceforhope.com/reauthorization-of-the-violence-against-women-act-in-2021-and-the-implications-for-its-restorative-practice-and-diversion-provisions/>.

- Most states have passed laws, most in the past decade, making strangulation assault a felony.¹⁷

Disproportionate Impacts [Slides 105-106]

- Domestic violence disproportionately affects women and women of color.¹⁸
- American Indian and Alaskan Native women experience domestic violence at rates far higher than their numbers within the population and when compared to women of any other ethnicity.¹⁹
- 45.1% of Black women experience intimate partner sexual violence and/or intimate partner stalking in their lifetimes, and an estimated 51.3% of black adult female homicides are related to intimate partner violence.²⁰
- Although women are far more likely to be victims of domestic violence than men, 1 in 4 men have been physically abused (slapped, pushed, shoved) by an intimate partner and 1 in 7 men have been severely physically abused (hit with a fist or hard object, kicked, slammed against something, strangled, burned, etc.) by an intimate partner at some point in their lifetime. Men of color are also overrepresented in these numbers.²¹

¹⁷ *Id.*

¹⁸ <https://www.cdc.gov/violenceprevention/pdf/2015data-brief508.pdf>.

¹⁹ *Id.* See also

https://assets.speakcdn.com/assets/2497/american_indian_and_alaskan_native_women_dv.pdf; <https://ncadv.org/STATISTICS>.

²⁰ Smith, S.G., Chen, J., Basile, K.C., Gilbert, L.K., Merrick, M.T., Patel, N., Walling, M., & Jain, A. (2017). The national intimate partner and sexual violence survey (NISVS): 2010-2012 state report. Atlanta: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention. See also Petrosky, E., Blair, J.M., Betz, C.J., Fowler, K.A., Jack, S.P.D., & Lyons, B.H. (2017). Racial and ethnic differences in homicides of adult women and the role of intimate partner violence - United States, 2003-2014. MMWR. Morbidity and Mortality Weekly Report, 66(28), 741-746.

²¹ Black, M.C., Basile, K.C., Breiding, M.J., Smith, S.G., Walters, M.L., Merrick, M.T., Chen, J. & Stevens, M. (2011). The national intimate partner and sexual violence survey: 2010 summary report.

- These numbers also likely are undercounted, as members of marginalized communities are less likely to report their victimization, including domestic violence victimization, and due to a lack of comprehensive data on missing and murdered Native American and Alaskan Indian women.²²

Possession of Firearms. [Slide 107]

- Abused women are five times more likely to be killed by their abuser if the abuser owns a firearm.²³
- When thinking about safety of the community, a study by Everytown for Gun Safety of every identifiable mass shooting (shooting in which four or more people were murdered) between January 2009 and December 2016 found that 54% of them involved the killing of a family member or a current or former intimate partner of the shooter.²⁴

Other Factors to Consider. [Slides 108-109]

- History of abuse
- Other risk/lethality factors (*e.g.*, obsessive jealousy, stalking, fear that he can't live without her, threats)
- Impact of a court's order on the financial and practical lives of the victim and any children involved
- Custody orders and child access issues
- Nature of present and past incidents (*e.g.*, interventions, severity of incident, injury, escalation from prior incidents)
- Defendant's history (*e.g.*, compliance with court orders or treatment, police record/calls for service, existing court orders)

²² See *supra*, notes 4, 5, 6, & 7. See also <https://www.uihi.org/wp-content/uploads/2018/11/Missing-and-Murdered-Indigenous-Women-and-Girls-Report.pdf>.

²³ <https://efsgv.org/learn/type-of-gun-violence/domestic-violence-and-firearms/>.

²⁴ Gold, Liza H., "Domestic Violence, Firearms, and Mass Shootings," *Journal of the American Academy of Psychiatry and the Law*, (Feb. 2020), <http://jaapl.org/content/early/2020/02/05/JAAPL.003929-20>; see also

- Pre-incident indicators (PINS) such as pace of relationship, anniversary dates, new relationship, expectations, contacting others as part of control, and temperament
- Behavioral change stressors. It is likely that a domestic abuser is not triggered by just one event. There are several touchstones that someone on the pathway to violence may cross that helps spark additional risk/escalation including homicidal thinking and behaviors. Triggers can come from family and home, religion or ideology, finances, workplace, community, and health and wellness, and so can inhibitors.
- Incidents of stalking, sexual violence, strangulation, pet abuse, jealousy, and threats with firearms are indicators of increased risk of dangerousness and lethal violence.
- Factors such as these, and others, can help alert victims that their safety is at risk and that they should consult an advocate for safety planning.
- Knowledge of these factors should also inform a judge's decision-making regarding provisions in orders that may enhance safety.
- These safety considerations should inform all aspects of your decision-making regarding risk awareness and warning.

(Faculty Note: It is important to discuss the difference in dangerousness factors and lethality factors. Make sure a connection between stalking and dangerousness is made.) Faculty closes the segment by pointing out that court operations pose inherent risks that can never be eliminated, but with the appropriate training and protocols, security incidents within the courtroom and beyond can be minimized or mitigated.)

Break (15 MIN) [Slide 110]

**D. Recommending a Strategic Approach to Risk Awareness
Lecture (10 MIN) [Slides 111-114]**

Faculty states that after considering the different ways to define risk and the issues that can arise with our identification or awareness of risk, approaching risk awareness strategically and systematically can help courts and multidisciplinary teams better understand the potential dangers of domestic violence related-incidents in and around their courts and therefore analyze and respond to those risks. They provide a lecture that includes the following points:

- Courts and their partners can use a systemic process for both risk assessment and communication that:
 - Considers the risk posed by individuals, the risks to individuals (such as the victim and/or third parties) and the risks to a court's facility/campus;
 - Accounts for actual resources available within a court and community;
 - Accounts for court culture and perception regarding requests for security (*e.g.*, not having good management of courtroom); and
 - Accounts for actual bias, the appearance of bias, and the fear of appearance of bias.
- A systemic approach looks at the actual history of violence used by a domestic violence perpetrator and its effects on the individual victim(s) in order to increase awareness of potential and actual risk.
- It incorporates the use of available tools and resources, such as available assessments, data, blueprints, plans, and training.
- It employs a collaborative partnership model—the whole court community involvement as stakeholders—to help identify/analyze/communicate threats and encompasses the range of experiences and knowledge available.
- It can incorporate specific community-based concerns, such as addressing reporting concerns without causing extreme response.
- allow for adaptation and response to situations not anticipated, which can help avoid assumptions about WHO the threat is just based on the petition, the person, etc. (avoidance of bias).

- As with victim safety, courthouse safety and security is a complex issue and there is no single solution. A framework with clear direction, alignment of initiatives, and efficacy measurement mechanisms must be implemented.

Faculty closes the segment by stating that in the next segment, we will look more closely at what strategic approaches may look like.

III. RISK IDENTIFICATION AND RESPONSE PLANNING (85 MIN) (HANDOUT 6) [SLIDES 115-138]

Segment Focus: How can courts develop plans to identify and respond to the risks or dangerousness that domestic violence indicates? What are the tools and factors available for courts in developing systemic approaches to risk identification and response? What does a risk identification and response plan look like?

A. Risk Identification Tools

Lecture and Large Group Share (20 MIN) (Handout 6) [Slides 115-122]

Faculty begins the segment by stating that there are a number of different validated clinical assessment tools out there regarding dangerousness, risk, lethality, and threats, including those aimed specifically at domestic violence. Examples of some of those have been listed in the Handouts provided for the training. They explain that we will examine some of those different tools in terms of what they contain and how they approach identifying and responding to risk and then look generally at what some common elements of such tools are.

(Faculty Note: The purpose of this segment is not to recommend a particular tool, but to provide some of the basic ideas, components, benefits, and limits of such assessment tools to allow participants to start thinking about the types of risk identification tools they might use and what that would include. Participants are provided Handout 6, which contains samples of risk and threat assessment tools.)

Defining our Terms. Lecture. (10 MIN) [Slides 116-122] Faculty provides a lecture on what threat/danger/lethality or risk assessment tools are and do as well as some of their benefits and limitations, including the following points:

What are assessment tools? [Slides 116-117]

- Behavioral assessments designed to show the assessor what the likelihood of violence can be from a perpetrator.
- Conducting these kinds of assessments can help mitigate risk to the victim and all others in the courthouse because it should inform everyone of the potential for further violence.
- It includes a series of questions and then compares the current constellation of factors to expert opinion and to past cases in which the outcome is known. The process can include interviews and other information gathering.
- The assessment can then report whether the current situation is most like cases that escalated, or most like cases that did not escalate.
- Assessments can be part of a process that includes development of a plan that:
 - Determination of what the immediate action should be,
 - An objective data gathering process,
 - Development or reinforcement of a safety net for the at-risk, and
 - Long-term monitoring.
- Threat assessment tools include Jackie Campbell's Danger Assessment, MOSAIC, DA, ODARA, etc.

Limitations and Benefits with Assessments [Slides 118-121]

Limitations [118-119]

- Professionals conducting risk assessments must be trained. Courts cannot have just anyone do a risk assessment on a domestic violence case.

- The tools may be different or used in different roles by varying professionals.
- The research is based on past incidents—it is impossible to measure future risk of recidivism and/or lethality accurately.
- Propensity towards “false positives”—assessments may categorize circumstances as higher risk than reality. **But also:** an absence of these lethality markers does not mean a victim is **not** at high risk.
- Domestic violence cases are complicated and cannot be easily categorized: risk categories are not static or definite.
- Potential issues with bias—criminogenic factors can be skewed against some demographics.
- Analogy: they do not prescribe a cure but will assist in the diagnosis.
- They are prevention-focused not prediction-focused.

Benefits [Slides 120-121]

-] Assessments can inform decisions on prosecution, conditions of release, and sentencing, as well as conditions on orders for civil cases.
- Standardized risk assessment tools allow greater coordination and awareness throughout a system and prevent risk-related information from falling through the cracks.
- Categorizing domestic violence cases into high, medium, and low risk allows your court/community to efficiently prioritize resources for each case.
- Understanding risk facilitates more effective safety planning.
- Risk assessment tools facilitate safety, helping victim understand risk levels.
- Assessments can validate intuition.
- A standardized approach is a consistent approach that helps eliminate bias and provides an objective lens.
- It can help triage cases and focus energy and resources.

Why is this information important to your work?²⁵ [Slide 122]

- Court security should be informed of specific cases and trained on general cases with a heightened lethality risk.
- Courthouse policies and procedures can be developed to increase coordination between different agencies.
- Advocates who work in a courthouse can administer risk and lethality assessment protocols to victims who appear for protective orders or with the offenders for criminal cases to determine whether the victim is at high risk and safety plan accordingly.
- Consider whether it is appropriate to share risk information with the judicial officer about a case that poses safety concerns. Balance the need for neutrality against need for judicial officer to know for courtroom safety purposes.

Large Group Share Exercise. (10 MIN) [Slide 123] Faculty then asks the participants to share out to the large group their experience with any risk, threat, or dangerousness assessments either in their current court practice or otherwise. Some prompting questions include:

- *Have you (court, law enforcement, advocate, other) ever used a risk assessment tool? For domestic violence-related risks? If so, which tool?*
- *Have you ever administered a danger or risk assessment in your work? If so, which assessment?*
- *What is your experience with such assessments and their use by the court? Do you find them to be useful?*

Faculty engages a discussion among the group about their experiences with risk assessments and their use in order to identify experience and knowledge in the room regarding these tools. Faculty closes the discussion by stating that assessments are one tool for courts that can and should be used as part of a

²⁵ *A Guide to Domestic Violence Cases*, National Association for Court Management, p. 13. 2017.

toolkit of resources aimed at identifying and responding to risks, including risk response planning.

B. Risk Response Planning

Lecture and Exercise (65 MIN) (Handout 7) [Slides 124-139]

Segment Focus. Strategies to identify and respond to risk include the development and use of policies and protocols that consider stages of risk such as pre-court, during court, and post-court and are analytical and strategic about facility use and access.

Faculty begins the segment by explaining that strategies to identify and respond to risk include the development and use of policies and protocols that consider stages of risk such as pre-court, during court, and post-court and are analytical and strategic about facility use and access. They tell participants that we will start with an exercise using the information contained in their Handout, which provides the systematic details of a domestic violence case and incident. The goal is to start thinking about what is needed in a strategic plan for their court to identify and respond to domestic violence-related risks.

Bill and Rebecca Smith Exercise. (25 MIN) (Handout 7) Faculty assigns roles to the participants using color-coded and laminated cards. The roles may include Probation, Law Enforcement, Court Staff, Judge, Advocate, Lawyers, GALs, BIP and/or be tailored to the specific participants/court. **(Faculty Note:** if there are more participants than roles, participants can be paired up or arranged in small groups.) Faculty requests that participants remain in their assigned roles throughout the exercise and make decisions in that capacity.

They explain that each individual participant has cards that correspond to the level of risk, red for high, green for low, and yellow for medium. Faculty reads details of the case contained in Handout 7 and that are on the slides, pausing where indicated to ask participants to raise their cards based on the level of overall risk to victim/others/court (low, medium, or high) and ask participants, in

their assigned professional roles, what they would do in response to the facts. Faculty will note the answers on a flipchart or whiteboard organized with each of the roles. (**Faculty Note:** Some of the details of the scenario are based on a real event, with some details changed to include a court-based incident and a firearm.) After the participants work through all the details in the Handout, faculty engages in a large group discussion.

After faculty assigns the roles, they explain the exercise as outlined above. Faculty asks participants to answer the questions posed as if they were members of the profession to which they have been assigned. They should act as independent professionals, not the persons who actually acted in the case. Faculty makes clear that participants are not to assess risk based upon the facts provided, but upon the overall risk (*i.e.*, just because he is in jail, does not necessarily lower dangerousness). Faculty tell participants that as they are reading through the scenario, they should consider **[Slide 125]**:

- *Who knew what?*
- *When did they know it?*
- *What should have been done?*
- *What is the level of risk to the victim?*
- *What is the level of risk to the court?*

After reading through the facts and engaging in the exercise, faculty facilitates a large-group discussion of the questions below.

Time to Reflect. Large Group Discussion and Closing Points. (15 MIN) [Slide 126]

Faculty facilitates a large-group discussion regarding the following questions:

- *Was this an unavoidable tragedy?*
- *Were there missed opportunities?*
- *Give some examples of information that you wanted or needed at various points. How you could get it?*
- *How could the system have responded differently?*

- *How could collaboration throughout the system help prevent this tragedy?*
- *How could use of assessments or other risk identification and response planning helped prevent this tragedy?*

Faculty closes the exercise with the following learning points, using the participants' answers to the exercise and the large group discussion and engaging further with the participants as time allows on some of the questions not addressed in those discussions.

- **[Slide 127]** In certain cases, you may not be able to prevent a tragedy, but it may furnish an opportunity to examine the system and prevent future tragedies.
- This case is an example of missed opportunities, failure of the system to communicate, a lack of education about domestic violence and dangerousness amongst court, probation, GAL, law enforcement, and other services:
 - Probation: no report to court for violations x7 (at least).
 - BIP: no report to court or probation for non-compliance x5 (at least).
 - Law Enforcement: no arrest for arrestable offenses x2 (at least).
 - CPS: History of domestic violence not an issue; Bill's continued violations not an issue; child's concerns not an issue.
 - GAL: recommended unsupervised access; reflects misunderstanding of domestic violence and a lack of risk assessment.
 - Criminal Courts: pre-trial release x2, provisions for release not tailored to safety issues, inclusion of "anger management" which is ineffective in domestic violence.
 - Family Courts: interim and permanent custody order had no provisions for safety of Josh or mother.

Risk Response Planning – Ensuring Safety in Your Courthouse.

Video and Lecture. (25 MIN) (Handout 8) [Slide 128] Faculty informs the participants that they will view a short video focusing on court security in domestic violence cases that highlights the need for security planning and coordination for the safety of victims and the court.

<https://www.youtube.com/watch?v=SpDKbqAZwJI>

Faculty Note. After the video, faculty continues the lecture, focusing on the elements and considerations in developing effective domestic violence-related risk identification and response plans. Faculty breaks up the lecture by engaging participants on the examples and asking if they can offer others from their experience or from any plans they have developed.

Prevention, Protection, Mitigation, Analysis, Response, and Recovery. [Slides 129-138]

- Effective risk identification and response plans address court safety both for the victim and for the court itself. Such plans should include the following elements and considerations:
 - Prevention: how to avoid, prevent, or stop an incident:
 - ✓ Identify pre-incident indicators before an incident happens.
 - ✓ Use tools in your toolbox to mitigate someone's escalating behavior and the physical security risk to the court/room.
 - ✓ Consideration of the contact offenders had with court and what was observed.
 - ✓ Examples: including the creation of separate waiting and seating areas for victims and abuser or (depending on physical space limitations) requiring the abuser to wait in a designated

area in the courtroom, *e.g.*, the first row of visitor seating while the victim sits in the area furthest away and out-of-sight of the first row.

- Protection: protect people and assets. In addition to steps that could be taken to protect the victims outside the court (*e.g.*, safety planning):
 - ✓ There are many layers to security and corresponding roles and responsibilities.
 - ✓ Security measures that are designed to deter, detect, deny and delay an adversary.
 - ✓ Establish security options appropriate for your occupancy, considering how your building's design may affect your protection issues or response planning, and examining appropriate policies and procedures regarding an active threat.
 - ✓ Examine your facility from the perspective of the threatener and consider barriers to accessing areas of the facility(ies).
 - ✓ Develop a safety plan for cases when an injunction is violated, a victim is threatened, or there is an emergency in the courtroom (*e.g.*, an evacuation).
 - ✓ Establish a procedure to ensure surrender of firearm(s).
 - ✓ Establish procedures for entering protective orders into centralized database(s)—local, state, national (*e.g.*, National Crime Information Center (NCIC))—to increase enforcement of orders across jurisdictional lines and prohibit an individual who is the subject of such an order from purchasing a gun or qualifying for a permit to carry a concealed weapon.
 - ✓ Examples: courts can implement the use of code words in court cases with known risks, where there is a change in behavior, or when something indicates trouble. Code words can be developed for the victim and, separately, for the court staff, judge, and sheriff for anyone to pause the hearing in a

covert way, *i.e.*, stating something like “we need an administrative recess,” which alerts staff of a potential issue. Victims should be allowed to exit the courthouse before the abuser, preferably with a security escort. If a security escort is not available, departure times from the courtroom should be staggered to give the victim sufficient time to get to transportation while the abuser remains in the courtroom under monitoring.

- Mitigation: reduce loss of life and property:
 - ✓ Includes any actions to prevent or lessen the impact of an active threat incident.
 - ✓ Options should be part of the broad-based planning team discussion to get a wide array of input into appropriate actions.
 - ✓ Warning all people in the court of a potential or active threat.
 - ✓ This includes the prevention measures, de-escalation techniques, and physical security considerations.
 - ✓ Examples: to prevent escalation, courts can provide opportunities for remote participation for victims, if appropriate, and limit the requirement for victims to attend court if possible.

(Faculty Note. Faculty informs participants that the next segment will focus more on warning.)

- Analyze incident data for all types of cases:
 - ✓ What types of data are available to the court and its partners to assess risks?
 - ✓ What kind of post-incident review occurs?

Faculty Instructions. Faculty refers to prior segment discussions of risk awareness and assessment and engages the participants here on analysis as part of risk planning regarding any completed risk assessments.

- Response to an incident as it is happening:
 - ✓ Planning for an ongoing incident.
 - ✓ Identifying the chain of command.
 - ✓ Consideration of how a threat is communicated and to whom.
 - ✓ Understanding how first responders access the building and the challenges for first responders' access.

(Faculty Note. The next module on Action will discuss the active response more specifically. Recovery and Engagement will be covered specifically in Module 6.)

- Recovery following an incident.
- How to develop a plan that is resourced, implemented, exercised, and evaluated:
 - Review your current resources and procedures.
 - Develop and/or include any incidents review team, including fatality review.
 - Develop a risk identification process that includes searching social media before key hearings.
 - Provide clarity for what can be done in each role, including who should be involved and when.
 - Balance reporting requirements/process and duties to clients/impartiality.
 - An effective plan cannot be developed in a vacuum with the input of only one or two people, or senior management alone.
 - The plan should consider the overall courthouse model and each operational department, functional team, working group, or

committee encompassing the full sweep of departments, job descriptions, and employee status.

- The plan should consider any jurisdictional issues.
- Invite others to review the plan.
- The judicial role in planning:
 - Plans specifically should include the judge, including the ability to recognize escalating behavior and knowing how to de-escalate, hitting a duress alarm, having additional security personnel in the courtroom (based on the assessment), redundant security screening outside the court door (based on the assessment), exiting the bench and securing themselves in chambers, not carrying a gun on the bench, etc.
 - Consideration should be given to how/when to inform a judicial officer regarding cases with a high degree of risk/dangerousness, balancing neutrality concerns against need for judicial officer to know for courtroom safety purposes.
 - Judges are making life and death decisions in certain cases, and judicial leadership is needed to support awareness of risk, including where risk of lethality is high and perpetrators have a history of contempt or non-compliance.
 - Judges are in the unique position to stimulate community collaboration and participation in the enhancement or creation of supervised visitation and safe exchange services, batterer intervention services, and other coordination and community services for domestic violence cases.

Faculty closes the lecture and the segment with these final points:

- Like with risk awareness, risk planning and response should include a systematic review of protocols, practices, and spaces.
- It requires collaborative work, identifying a team, forming a common framework, defining and assigning roles, and setting a regular meeting schedule.

- Improved communication and collaboration amongst system professionals could help increase risk awareness and planning and thereby increase safety for children and their families as well as court systems and the professionals within them.
- Whatever the status of your plan, it is important to conduct regular training and education for court security and court staff on domestic violence and safety issues and response.

(Faculty Note. Included in the Handout packets **(Handout 8)** are resources for courts and their partners regarding development of risk management and security plans.)

END OF DAY ONE [Slide 139]

IV. COMMUNICATIONS PLANNING AND IMPLEMENTATION. (45 MIN) [SLIDES 140-157]

Faculty informs the participants that we will now focus on an element woven through all aspects of risk awareness, response, and warning: communication. Communications are a necessary part of risk preparedness, from building the collaborations necessary to develop an effective risk response plan to providing guidance about how to share information concerning potential risks regarding domestic violence-related dangers. For this segment, the focus will be on development of strategic communications planning and implementation both generally, (*i.e.*, what is the court's communication plan regarding the sharing of daily operations information?) and as part of its risk awareness and response plans.

A. Communications Regarding Risk
Large Group Share. (7 MIN) [Slide 141]

Faculty starts the segment with a large group sharing exercise regarding participants' experiences with active or potential risks or threats at their court/office and how information or warning regarding those risks or threats were communicated. Faculty asks the group the following questions:

- *In your position, have you ever received warning of a potential or actual threat at the courthouse? How did you receive that warning?*
- *Have you ever had information about a potential or actual threat? How did you provide a warning of that threat? To whom?*

(Faculty Note. The purpose of this exercise is to get the participants talking, not necessarily about any specific court-based incidents they experienced, but the practice of communication of risk within their courts and among their stakeholders and how risks are commonly communicated. Faculty uses flip charts or whiteboards to note and highlight any elements of a communications plan or protocol used.)

Faculty closes the exercise by stating that communications warning of potential or actual risk are a part of the strategic approach to risk awareness and response planning. Communications between and among stakeholders should be considered at all stages of both planning for an incident and responding to any incident.

B. Communications Planning and Implementation
Lecture, Pair Exercise, and Large Group Share. (38 MIN) [Slides 142-157]

Segment Focus. How do you, or could you, communicate a warning? What is the court's communications plan/strategy?

Faculty informs participants that they will engage in an exercise focused on communicating information of risk related to a domestic violence case. What is the court's communication practice and what should it be?

Faculty Instructions. Faculty asks the participants to pair up. Faculty will read the following information about a case by segment (*i.e.*, outside the courtroom, clerk's office, courtroom, etc.). (Faculty may role-play the interactions.) After each segment, faculty provides the pairs time to discuss the answers to the questions and then moves on to the next segment of the scenario. At the end of all the segments, faculty facilitates a discussion, asking the pairs to share out their responses about risk and the communication of any warning of that risk, touching on all the segments.

Eva and Daniel Gordon - Outside the Courtroom. (5 MIN) [Slides 143-144] Eva and Daniel Gordon are in the process of a divorce. Eva was previously granted a temporary civil order of protection against Daniel, which has been extended numerous times throughout the divorce proceeding. She also has a temporary custody order for Joseph, Eva's and Daniel's 8-year-old son. After she left Daniel, Eva and Joseph stayed with her brother until she was able to find an apartment. She requested that her new address be redacted from any court documents so that Daniel could not find them. The judge ordered Eva and Daniel to have her brother do the exchange for Daniel's visitation with Joseph. The protection order also orders Daniel to stay away from Eva's workplace, Joseph's school, and any family members. Recently, Eva was at home and repeatedly heard loud banging on the door and shouting. Anxious and trying to calm down a crying Joseph, she called the police, but no one was there by the time they arrived. Law enforcement later spoke with Daniel, who denied even knowing where Eva lived.

Faculty asks the pairs to discuss the following questions: **[Slide 145]**

- *What is the level of danger and why?*
- *How could or should that danger be communicated?*
- *To whom?*

- *When?*

Clerk's Office. (7 MIN) [Slides 146-147] Eva decides to go to court to see if she can get more information on her case.

Clerk: How can I help you?

Eva: Hi, I'm having trouble with my protection order case. I asked the judge to make sure my new address wasn't on any of the court documents so that my ex couldn't track me. But he showed up at my house a few days ago. Can you check if it's listed?

Clerk: Sure, let me just pull up your file ... ah here it is! No, your address is definitely redacted from the orders. Any idea how he could have found it?

Eva: No! I just moved and no one besides people I trust know my address. This is crazy. Are you sure it's not on one of these orders?

Clerk: Ok, let's calm down. Is this the only case you have going on?

Eva: There's a divorce case, too. And I think he has something going on in criminal court.

Clerk: Well it looks like the address was only redacted from your order of protection case, but it's in the divorce file. You said there was a criminal case, too?

Eva: Yeah, one for drunk driving. Another for something to do with his gun license. Is there anything I can do now?

Clerk: Well, it looks like he already has the address.

Faculty asks the pairs to discuss the following questions: **[Slide 148]**

- *What is the level of danger and why?* (Examples: stalking, recent separation, substance abuse, weapons, petitioner belief, third-party exchange, etc.)
- *How could or should that danger be communicated?*
- *To whom?*
- *When?*

Courtroom (7 MIN) [Slides 149-151] Eva and Daniel are now in court for a status hearing. While neither party has an attorney, Eva has linked up with an advocate from a local advocacy center.

Judge: Ms. Brown, I understand that you have some ongoing concerns with your protection order case.

Eva: Yes, your honor. I believe Mr. Green found my new address on the divorce paperwork and showed up at my house a few weeks ago.

Daniel: Your honor, I already talked to the cops, and I don't even have her address. She must be daydreaming; I was at my mother's house the whole time. She'll vouch for me. I'm just trying to do the right thing here; I've been attending classes and trying to get better.

Judge: Have you been attending your court-ordered offender programming classes, Mr. Green?

Daniel: Yes, your honor.

Eva: Excuse me, your honor. I don't know if he's actually going to any classes, no one informs me of that. But I am worried, because ... he still has his hunting weapons.

Judge: Mr. Green, you haven't turned in your weapons? I ordered you to do so at our last court date, and you've had plenty of time.

Daniel: Oh yes, your honor. It's just hard because it's hunting season right now. But I'll do that as soon as possible.

Eva: Oh my God, are you kidding me?

Judge: Ms. Brown, please no outbursts in my courtroom. Okay, let's extend this out to another status hearing in three weeks. That'll give Mr. Green plenty of time to turn in his weapons. And make sure you keep going to your classes.

Daniel: Yes, your honor.

Faculty asks the pairs to discuss the following questions: **[Slide 152]**

- *What is the level of danger and why?* (Downplaying behavior, lack of following court orders, weapons, petitioner belief, minimizing, system gap between criminal and civil court and BIP programs and court.)
- *How could or should that danger be communicated?*
- *To whom?*
- *When?*

After the Hearing. (5 MIN) [Slide 153] As the judge is leaving the courthouse for t

Faculty asks the pairs to discuss the following questions: **[Slide 154]**

- d ▪ *What is the level of danger and why?*
- a ▪ *How could or should that danger be communicated?*
- y ▪ *To whom?*
- , ▪ *When?*

h
e

Large Group Share. (7 MIN) At the end of all the segments, faculty facilitates a discussion, asking participants to share out their responses about risk and the communication of any warning, going through each of the segments. Faculty focuses the discussion on how and when communications of warning flow among the stakeholders, spending some time on any differences of opinion and any discussion of concerns about ethical or confidentiality concerns with sharing (*e.g.*, the judge, Eva's advocate, etc.). (**Faculty Note.** The purpose of the discussion is not to arrive at a solution of how communication should occur but to have the participants engaged in a collaborative discussion about the ways they communicate risk among themselves and how they can include those communications in their risk awareness and response planning and implementation.)

Communications as Part of Your Risk Awareness and Response Planning.

Lecture. (5 MIN) [Slides 155-157] Faculty closes out the segment with a short lecture, including the following points:

- Communications planning should be included in a court's strategic approach to risk awareness and response.
- One of the most important mitigation steps is to warn all people in the court of an active threat so they can take immediate protective measures.
- Design communication strategies that:
 - Keep your environment and facility in mind, including the physical grounds and layout, access points and communications points.
 - Consider the court's public operations information (*i.e.*, the sharing of hearing dates and locations, including virtual/from home).
 - Address who a stakeholder or member of the public tells, how is that shared, and when is that shared.
 - Consider language and other accessibility concerns and uses both verbal and other methods (such as signage).

- Contain practical communication steps, such as ensuring that a bailiff (or other staff) in the courtroom can communicate/warn outside the room about potential for danger.
- Include communications before, during, and after an event, designed to reach all, and include proactive preparations with families.
- Communications on safety should be immediate and appropriate.
- Those receiving safety communications should take appropriate action in a timely manner to enhance safety.

Faculty closes out the module by engaging the participants in some self-care and action planning exercises.

V. SELF-CARE AND ACTION PLANNING. (23 MIN) [SLIDE 158]

A. Self-Care (3 MIN). Faculty provides participants with a short self-care exercise on grounding that helps us to stabilize attention and bio-physiological processes, no matter where you are. We can do this sitting or standing.

If standing:

- Stand straight, feet hip distance apart, allowing the arms to rest to the sides of the body.
- The head should be held straight, so we do not tilt it too far back or forward.
- Focus on the weight into your feet, place the pressure on the base of the big toe, little toe, outside of foot and inside of the heel.
- See if you can lift your toes without losing balance.
- Allow the shoulders to relax.
- Then focus on the breath as a way of staying present and awake.
- This practice can be done for a couple of minutes with a periodic check in to see if people lost focus.

- If people lose focus, have them return to the breath.

If sitting:

- Ask the participants sit up in their chair.
- Allow them to place their arms in a place most comfortable to them, preferably on their laps.
- Their eyelids can remain open or be closed. If open, they should relax their gaze and not laser focus on an object or the floor.
- Then focus on the breath as a way of staying present and awake.
- Take a moment to settle the body by focusing on the breath.
- Begin by noticing how our back is supported by the back of the chair.
- Bring weight into your sitting bones.
First the left, then the right, and the balance between them.
- Now bringing the weight into your feet, feeling the heels, balls and toes of your feet and your contact with the ground.
- Allow your attention to settle into your feet and seat. Feel the calm.

Walk through this rotation 2 more times, gently reminding them to focus on their breath prior. Remind the participants that these are their anchors and they can return at any time when needed.

B. Collaboration Exercise. (10 MIN) (Handout 9)

Faculty provides participants with the **Handout** for this exercise and instructs them to take some time **individually** to answer the questions provided regarding collaboration, focusing on the information discussed in this module regarding analysis and warning of domestic violence-related risks when formulating their answers.

C. Risk Awareness and Response Self-Inventory (10 MIN)

Faculty provides the participants with clean flip charts and asks them to think back to their answers to the questions about their experience and use of risk/threat/danger assessment plans as well as their earlier court mapping exercises. Faculty asks the group to start to inventory what current tools or plans have been developed by the court and/or its stakeholders and are available to the team as part of a strategic approach to risk awareness and response planning.

MODULE 5. ACTION: RESPONDING EFFECTIVELY TO VIOLENCE

(4 HRS, 13 MIN)

- I. Description, Introduction, and Learning Objectives (3 MIN)**
- II. Elements of an Action Protocol (105 MIN + 15 MIN BREAK)**
- III. Communicate, Drill, Review, and Repeat (40 MIN + 60 MIN LUNCH)**
- IV. Action Planning (30 MIN)**

ACTION: RESPONDING EFFECTIVELY TO VIOLENCE

I. MODULE INTRODUCTION AND REVIEW OF LEARNING OBJECTIVES (3 MIN)
[SLIDES 159-160]

Using video, brief lectures, discussions, and exercises, this module will help participants consider effective plans and protocols for action in response to domestic violence-related risks and incidents.

Faculty notes that the previous module focused on understanding and analyzing domestic violence-related risks to increase awareness of and preparedness for potential domestic violence-related incidents in and around courts. It also discussed the development of systemic and strategic risk response plans as a way for courts and their partners to address risk. This module focuses directly on an essential element of those plans—action, or the immediate response to domestic violence-related dangers/events.

[Slide 160] Faculty then presents the learning objectives. *As a result of this module, learners will be better able to:*

- *Evaluate emergency response resources among and between agencies/systems.*
- *Appraise the gaps and barriers in their courts' response systems and plans.*
- *Formulate and implement effective response plans and protocols.*

II. ELEMENTS OF AN ACTION PROTOCOL (105 MIN) [SLIDES 161-179]

[Slide 162] Faculty begins the segment by referencing the points made in the module on analysis and warning, including:

- Identifying and categorizing domestic violence-related risks,
- Using standardized assessment tools, and
- Adopting a strategic approach to risk planning that includes greater coordination, awareness, and more effective safety planning.

Faculty states that we will now focus on an element of strategic risk planning: action. How should courts' plans for domestic violence-related risks prepare and provide for action in response to an incident? What does an action plan look like?

A. What is Your Action Plan?

Large Group Share Exercise. (10 MIN) [Slide 163]

Faculty explains that active threat policies and protocols, depending on a court, may fall under a general Occupant Emergency Plan (OEP), which are for active threat, fire, flood, earthquake, tornado, etc. Such plans also could be part of an individual department's or program's procedures or developed through some other method such as statewide emergency planning. They could also be included within any existing security plan or procedure used by the court. (**Faculty Note:** The focus of this exercise is to facilitate a discussion about current security practices, if any, within the court or community of participants, and whether and how those security plans might include any action or response plans for violent incidents at the court. It will also help identify community security resources for the court and experience and knowledge in the room about different existing plans the participants are aware of or have experience implementing.)

Faculty asks the participants to share out to the large group their knowledge and experience with court security plans and action plans (either in their individual

departments/programs or for the court as a whole). Some prompting questions include **[Slide 163]**:

- *What does your court security currently look like?*
- *Does your court have a security plan? If so, does that include any action plan for response to an incident?*
- *Have you (court, law enforcement, advocate, other) ever had any specific threat/incident action plan developed? If so, is it a general plan? Does it include consideration of domestic violence-related risks? If so, please explain.*
- *Who oversees any security planning for your department, program, etc.?*

Faculty can use flip charts to note the answers and inventory current security and/or any existing action plans. Faculty engages in a discussion among the group about their court security and any experiences with action plans and how they have been used. Faculty closes the discussion by stating that we will engage in some exercises to help them think about and improve action planning.

B. Understanding Your Resources for Action

Large Group Mapping Exercise (50 MIN) (Handout 10) [Slides 164-166]

[Slide 164] Faculty starts the segment by explaining that planning for action in response to domestic violence-related incidents is part of a strategic approach to risk planning, focused on a determination of what an immediate action should be in response to an active incident within the court. For action plans to be effective, they must be specific to the court, its facilities, and resources.

[Faculty informs participants that they will work as a large group to consider and expand on their earlier maps of court facilities and interactions with domestic violence litigants/parties/others in order to more specifically identify where, how, and when they may interact with courts and court staff. Participants are provided a Handout, and faculty explains that the first page contains a list of places in and around the court facility where domestic violence-related litigants/parties/others

may go or where case-related matters may occur. The second page contains possible court-based events or processes occurring in or around the courthouse that may be part of a domestic violence-related case or cases (both civil and criminal). The third page is a list of possible people involved in or interacting with domestic violence litigants/parties/others related to those events/processes.

Faculty explains that the goal of this exercise is to build on the earlier mapping exercises (Module 2's ice-breaker and Module 3's domestic violence litigant interaction mapping) in order to more specifically identify where, how, and when domestic violence-related litigants/parties/others may interact with courts and court staff and then use this information to help identify where and when safety risks may arise, discern opportunities to prevent or mitigate those risks, and therefore better plan for action in response to a domestic violence-related incident. (**Faculty Note.** The lists in the Handout and the tags/labels prepared prior to the training are a sample intended to be as broad as possible. After the initial mapping exercises in Modules 2 and 3, faculty may tailor the lists and the tags/labels to fit the process in the participants' community and the information and interactions identified in those exercises.)

[Slide 165] Faculty explains that on the map previously developed (located on a wall or flip chart), there have been added some tags/labels. They are color coded, with a different color representing the locations, the court case events, and the people involved. As the first part of the exercise, they ask participants to take 3 minutes and use the tags/labels for locations to fill in any locations not previously identified on the maps (*e.g.*, safe visitation exchange or attorneys' offices). Second, faculty asks participants to take 10 minutes and place tags/labels on the map the court case events would likely occur (*e.g.*, where do litigants go to file for a protection order? Where are the waiting rooms?) For the next step, faculty asks participants to take 10 minutes to identify the people that may be present for or interact with domestic violence-related litigants/parties/others at each of the events identified. Be as thorough as possible. (**Faculty Note:** There should be multiple copies of the each of the tags/labels, as the events, places, and people are frequently involved at more than one stage.)

Large Group Discussion. (25 MIN) [Slide 166] Faculty use the participants' enhanced map and its tags identifying places, events, and people as a launching point for a conversation about the planning for action needed to improve safety at the court. Faculty can offer the following prompting questions to lead and/or focus the discussion.

- *Who is involved at key points in the case?*
- *What are common events or situations that may trigger a safety risk and where do they happen?*
- *Who has information about the risk?*
- *Who is in a position to mitigate the risk?*
- *Who is in danger?*
- *Looking at the map, do you see any gaps? What other locations/events, etc. should be considered? (e.g., what about remote work or virtual hearings?)*

BREAK (15 MIN) [SLIDE 167]

C. Elements of an Action Plan

Lecture (15 MIN) [Slides 168-175]

Faculty closes out the large group exercise with a lecture regarding what an action plan looks like, including the following points:

- **[Slide 168]** Your action plan should:
 - Identify your chain of command,
 - Describe your capabilities to address saving lives,
 - Meet basic human needs for safety, and
 - Provide for protecting property and the environment.

- **[Slide 169]** Be mindful of both the phased approach to incident management and other special considerations.
- To organize these capabilities in your plan, think back to the elements of the strategic planning for risk and use the same elements to guide you.
 - Prevention: how do you avoid, prevent, or stop an incident?
 - Protection: how do you protect people and assets?
 - Mitigation: how do you reduce loss of life and property?
 - Response: how do you save lives and protect property?
 - Recovery: how do you restore and strengthen the court and community?
- **[Slide 170]** Consider the types of domestic violence-related risks: non-targeted and targeted and the strategies that might be used for action in response to both. (Reminder: Non-targeted is impulsive, unplanned, and spontaneous—an emotional reaction to a situation. Targeted is planned.)
- Like the other parts of your planning, identify your collaborative partners and their roles.
- Form a planning team, which may consist of operations management and leadership from functions including clerk of court, judge, human resources, risk management, security and safety directors, general counsel, maintenance or facilities, engineering, advocates, community partners, and other staff as appropriate to ensure consideration of the full breadth of your operations and business lines. Buy in at the leadership level is key to obtaining approval and dissemination.
- **[Slide 171]** The plan should consider the overall courthouse model and each operational department, functional team, working group, or committee encompassing the full sweep of departments, job descriptions, and employee status.
- Plan for evacuation and whether the evacuation routes/spaces protected (*e.g.*, judges have an evacuation area. Are all the judges in one vulnerable space?). This includes the understanding of roles—emergency responders like police train and practice for this, and they need judges/staff to follow instructions and any evacuation/response plan (*e.g.*, evacuate

immediately or shelter based on the plan, do NOT STOP TO HELP unless specifically included in that plan).

- **[Slide 172]** Incorporate and integrate the analysis and warning systems into the plan, including how early signs/risks (*e.g.*, judges' addresses listed publicly) are recognized and reported/shared.
- Incorporate existing security into your plans. Depending on your court and community, your security and corresponding roles and responsibilities may include layers designed to deter, detect, deny, and delay an adversary.
 - ✓ Layered security slows an intruder, providing hurdles to make it progressively more difficult for them to reach their intended target or to escape undetected.
 - ✓ Consider code words and duress alarms, having additional security personnel in the courtroom (based on any risk assessment), and redundant security screening outside the court door.
- **[Slide 173]** Examine appropriate policies and procedures needed to secure the organization and its stakeholders against an active threat.
- Special considerations may include emphasis on a property location or a specific facility, the priority departments or functional areas, and the key roles and duties of significant personnel who will be key to implementing the plan in a real-world event.
- **[Slide 174]** Incorporate mapping into your plan:
 - ✓ Know your families and who is in your courthouse, including staff, consultants, and their roles.
 - ✓ Plan for all the ways the court facility is used. (*e.g.*, conference spaces, self-represented litigants in DV workshops, common filing areas).
 - ✓ Facility(ies) realities and design, including security challenges, should be integrated into plans and include details like keeping blinds open and not blacking out office windows.
 - ✓ Examine your facility from the perspective of the threatener—how would they gain access to your facility? What barriers are there to reach areas of the facility?

- ✓ Where and how should first responders access the building?
What challenges does your design have for first responders?

- **[Slide 175]** Plan for the human element:
 - Action plans should consider that staff or even judges may have triggers and react accordingly.
 - Understand and plan for disabilities and/or access and functional needs persons. Consider visitors, children, and multiple languages. Actively involve and integrate individuals' needs in the plan development and review.
 - This is more than just about assistance: it includes ensuring people are working with one another to plan and gain the knowledge to independently get out of harm's way.
- Strengthen your plan by inviting others to review, evaluate it against a variety of scenarios, conduct exercises to evaluate your plan, and role-play the adversary's point of view.

D. The Framework for Countering a Threat

Video and Large Group Exercises (25 MIN) [Slides 176-180]

Faculty explains that courthouse safety and security is a complex issue and there are no single solutions. A framework with clear direction, alignment of initiatives and efficacy measurement mechanisms must be implemented.

Video and Large Group Discussion. (15 MIN) [Slide 177] Faculty starts by telling participants they will watch a short video clip of a courtroom incident related to a domestic violence matter. Faculty explains that the video clip is from a show called "Court Cam" and takes place in Las Vegas, Nevada, at a bond revocation hearing for criminal charges that arose from his actions in a divorce and custody proceeding.

<https://www.youtube.com/watch?v=HZh30qUuD2I>

(Faculty Note: The complete video is not shown. The clip is played from 44:23 to 49:02.) After the video clip, Faculty engages the participants in a discussion of the incident they just viewed, facilitating the participants' assessment of the incident and the response to the defendant's actions by the court and those present, using the following questions **[Slide 178]** to prompt the discussion:

- *How would you assess the response to the incident? By law enforcement? The judge? The attorneys? The others in the courtroom?*
- *What part of the response was effective?*
- *What could have been done better?*
- *What were the ongoing risks during the incident? To whom? Could the defendant have grabbed a weapon?*

The goal of the discussion is to have participants start thinking about the immediate response to active threats within a court environment in order to move the discussion to how active threats related to domestic violence can be responded to in their court and community.

Large Group Exercise and Discussion. (10 MIN) [Slide 179] Faculty next asks the participants to work as a large group to imagine that the incident in the video is happening in their court, and using the enhanced map they developed at the beginning of the segment, discuss their response/action, using the flip charts provided to help them work through the plan for action. **(Faculty Note:** If there is a security or action plan in place with any of the groups present, faculty should encourage those familiar with it/them to share the details and how it might apply. The slide shown during this exercise is used as a prompt. It shows the "Threat Decision-Making Hopper." Flip charts should be arranged in the room, each one having a different focus on the element of an action plan as follows. The questions after each element can be used as prompts for the discussion.)

- *Prevention: how might the incident been avoided, prevented, or stopped?*
- *Protection: how might you protect people and assets?*
- *Mitigation: how do you reduce loss of life and property?*

- *Response: how do you save lives and protect property?*
- *Recovery: how do you restore, strengthen the court and community?*

Faculty closes the segment with the final learning points:

- **[Slide 180]** An effective active threat plan cannot be developed in a vacuum.
- Absent the assistance of operational departments and the input of employees who may be on the front line and confronted with the event, the plan will fall short.
- It is also important for the planning team to include input from first responders, law enforcement, and EMS personnel as the plan is being developed.
- Include the landlord, other tenants, and neighboring businesses who may contribute and add value to the plan development.
- Include community members and those who use the court in order to assure their use of the court is taken into consideration.

III. COMMUNICATE, DRILL, REVIEW, AND REPEAT. (40 MIN) [SLIDES 181-189]

Faculty tells participants that once an incident occurs, we are one step away from warning and into action, with an active threat in the court/room/house. How a violent outburst started (and who started it) is not relevant to action as you are now putting a plan in use in real time. Some of the essential elements of an action plan should be considered separately and as part of a cycle of continuous improvement. During a domestic violence-related incident in a court, what happens? And how do you use your plan not only to respond in the moment, but after an incident to assess and improve in order to better provide for safety?

A. Know the Chain of Command

Think and Large Group Mapping (25 MIN) [Slide 182]

Segment Focus: How do you, or could you, communicate an emergency?

What is the chain of command? How do the different chains work together?

Individual/Group Think & Large Group Mapping. Faculty begins the segment by explaining that like with Module 4's discussion of communication, we will focus on the communication again, this time regarding an emergency in real time. Communication during an active threat incident is specific and should be understood as within a chain of command structure. (**Faculty Note:** This exercise starts with individuals working on their own or working together as part of a group, depending on who is present. The exercise includes the mapping of the chain of command for individual offices, departments, or programs and then engaging in a large group discussion to use those maps to develop a new chain of command regarding an active incident. If the trainees include more than one person from a particular department or program, they can work together to develop their map. If there is only one person present from a department, that person can work on their own.)

Faculty asks participants to either work individually or in small groups depending on their various departments and/or programs, *i.e.* participants are grouped into their various departments and programs but if there is only one person from a department, that person works alone. Each are provided a flip chart and 5 minutes to develop a chart showing the chain of command within their department or program. This can include the human resources chart and/or any chart or chain of command structure they may have developed for any emergency plan, *e.g.*, OEP, fire, security, safety, etc.

At the end of the 5 minutes, faculty provides 7-10 minutes for each person or small group to explain their chain of command chart to the large group.

Faculty next instructs participants to work as a large group. Participants are provided 10 minutes to create another chart, using a clean flip chart to develop a plan for how the various chains of command can be integrated so that the communication of an incident is clear. Faculty can help facilitate the discussion by referring to the video exercise and using that incident as a starting point for the discussion of the chain of communication necessary to both communicate the

threat and start the process of action/response. Some prompting questions for the discussion and development of the chart include **[Slide 182]**:

- *If you call 911 from the court, who are you calling? Where do they show up? Would any security be informed?*
- *If you push a panic button, what happens? Who is notified of the threat and who is not?*

B. Communicate, Drill, Review, and Repeat
Video, Large Group Share, and Lecture (15 MIN) [Slides 183-189]

Faculty begins the segment by explaining that we will show a short video of a news segment regarding one court's practicing an evacuation and response drill. **[Slide 183]**

<https://www.youtube.com/watch?v=Cp410l9lqM4>

After the video, faculty asks the participants to share out their experiences with emergency drills generally and as part of their court/community's domestic violence-related or other security or emergency action plans. Faculty may use the following prompts **[Slide 184]**:

- *Have you ever participated in an emergency drill?*
- *What was the drill for?*
- *How was the plan for that drill communicated?*
- *Who is in charge of communicating to staff about where to go? Who communicates to community members?*
- *How often does your program/department/court engage in drills?*
- *Is there any debrief after a drill to identify or discuss its success and/or improvements?*

(Faculty Note: Post-incident review and communication will be discussed more fully in Module 6 on Recovery and Engagement.) After providing 5-7 minutes for

participants to share out their experiences, faculty provides a short lecture, closing out the segment and making the following points:

- **[Slide 185]** As a part of effective action planning, it is necessary to communicate, drill, review, and repeat.
- Communication to all staff/personnel about not only the plan itself, but also the elements of that plan that pertain to them, is crucial. Do all staff, partners, agencies, etc. know who to approach? How to report an incident? Does everyone know their role in the event of an emergency? Are evacuation and other response procedures clear and shared among departments and programs?
- Drilling on a regular basis reinforces an action plan, ensuring better communication and knowledge of that plan as well as improving your response and therefore the safety of those in the courts.
- **[Slide 186]** Drilling and communication are part of an effective review process, designed to provide for continual improvement and thereby increase safety.
- Design a process that includes review with an eye towards continuous improvement:
 - Debrief after an event and refine based on experience,
 - Review prior drills and refine your procedures,
 - Communicate diligently and on an on-going basis regarding effectiveness and issues, and
 - Continue training and discussion of safety.
- **[Slide 187]** Review of an incident from a strategic perspective can highlight key aspects of an incident and its key phases:
 - “Prior to” (Pre-),
 - “During” (Trans-), and
 - “After” (Post-) the event.
- **[Slide 188]** Review can include more analysis of pre-incident behaviors, escalation or adaptation of methods, tactics, complexities of societal impacts, behavioral issues, and some common elements.

- This process requires collaboration:
 - identify the team,
 - Form a common framework,
 - Define and assign roles, and
 - Determine a meeting schedule.
- **[Slide 189]** Meet with responders to determine how best to coordinate actions, including having a liaison from the organization designated to assist responders with information on the facility and occupants. Work with support groups to identify appropriate recovery actions and recovery resources for immediate and long-term support.
- Also consider communication with the community, including media, about ongoing incidents. This may include continued media briefings. Coordination with any incident command post or jurisdictional authority is a significant part of the public information response. Assign roles and coordinate one media message. Include stakeholders in the message prior to its release to the public.

LUNCH (60 MIN) [SLIDE 190]

IV. ACTION PLANNING (30 MIN) (HANDOUTS 11-12) [SLIDE 191-192]

A. Action Planning (10 MIN) [Slide 191]

Faculty asks participants to think about their current court security and any action plans they have (in either their department or program or in any of the plans identified and discussed during the Module). Faculty provides participants with paper and instructs them to take some time individually to consider and answer the following questions regarding action communication planning and resource gaps for action in response to an active incident:

- *Are there mechanisms in place to communicate risk from those who know to those who are in danger and to those who can mitigate it? If not, what can be done to fill that gap?*
- *Are there other measures currently available that can address risk—equipment, training, staff?*

B. Emergency Action Preparedness (10 MIN) (Handout 11)

Building on the previous thought exercise, faculty provides the participants with a Handout that contains a scenario for a court emergency. It provides an opportunity to consider both individual and court emergency preparedness and assess which functions are performed by whom, and it may assist the court in developing or enhancing its emergency action planning. Faculty provides each participant five minutes to fill out the answers to the first set of questions on the Handout and then an additional five minutes for the group to discuss those answers as well as the additional questions on the Handout.

C. Collaboration Exercise (10 MIN) (Handout 12)

Faculty concludes the module by asking participants to think about a collaborative planning team for action—who would you include on the facility security planning team for your court? Faculty provides participants with the handout for this exercise and instructs them to take some time individually to answer the questions provided regarding collaboration, focusing on the information discussed in this module when formulating their answers.

MODULE 6. RECOVERY AND ENGAGEMENT: COMMUNITY HEALING
(6 HR, 20 MIN)

- I. Description, Introduction and Learning Objectives (3 MIN)**
- II. Trauma and Trauma-Responsive Systems (122 MIN + 15 MIN BREAK)**
- III. Recovery Strategies: Focusing on Safety, Healing, and Community (170 MIN + 15 MIN BREAK)**
- IV. Self-Care & Action Planning (55 MIN)**

RECOVERY AND ENGAGEMENT: COMMUNITY HEALING

I. INTRODUCTION AND REVIEW OF LEARNING OBJECTIVES
(3 MIN) [SLIDES 193-194]

Using brief lectures, video, discussions, and exercises, this module helps participants consider and develop strategies for recovery after a domestic violence-related incident affecting a court and community, including the community engagement that is a critical component of healing.

Faculty begins by telling participants that after a domestic violence-related incident, courts and communities have multiple and sometimes competing needs such as cleaning up and repairing the physical spaces, providing medical and support services to victims, interviewing witnesses and others that directly experienced the violence, and communicating with the public. Longer-term needs include effective review of the incident response, the provision of additional/continuing support services to those directly affected, the expansion of those services to others within the community, collaborative community engagement, and the implementation of trauma-responsive steps for healing.

Recovery is a process that requires balancing these needs, reflecting on an event—how it happened, why, the nature of the response and how it could improve, and how to mitigate or prevent a similar event in the future. This

module focuses on developing and implementing collaborative recovery strategies that include healing, safety, access, and community engagement.

[Slide 194] Faculty presents the learning objectives. *As a result of this module, learners will be better able to:*

- *Use available resources to design and implement collaborative short- and long-term recovery strategies that support confidentiality, healing, safety, and community.*
- *Engage effectively in a trauma-responsive way with staff and the public about any incident.*
- *Assemble a balanced and ongoing process and approach to recovery and engagement that considers safety, access, facility, and environment.*

II. TRAUMA AND TRAUMA-RESPONSIVE SYSTEMS.

(122 MIN) (HANDOUT 13) [SLIDES 195-223]

Segment Focus. What do we mean by trauma? What are trauma-responsive systems? How do we understand trauma in the context of community (both the court community and the larger community impacted by violence?)

Understanding trauma and trauma-responsive practices are keys to designing and implementing recovery and engagement strategies that effectively address a domestic violence-related incident. **(Faculty Note:** Because engagement is an essential element of recovery, both recovery and engagement will be discussed and considered together throughout this segment.)

Faculty tell participants that after a violent incident, the impact on individuals can include a range of emotions: from relief to anger, hope to fear, and confidence in the system to ineptitude. Individual reactions will vary depending on multiple factors, including but not limited to how close the incident affected them personally, their previous trauma, their resilience, their experiences with the system, and their expectations. The reactions of systems and communities to a traumatic event and the ensuing trauma response can facilitate healing and

recovery or can be re-traumatizing. **[Slide 196]** Recovery from an incident, both personal and systemic, should focus first on an understanding and implementation of trauma and trauma-responsive strategies such as honesty, transparency, continuous engagement with community stakeholders, and a sincere desire to improve the system's response.

A. What Do We Mean by Trauma?

Video and Large Group Share (20 MIN) [Slides 197-198]

Faculty states that in order to plan and implement effective recovery from a domestic violence-related traumatic event, first we must understand trauma. Though the term trauma can be used to refer to an event, *i.e.*, an incident like the domestic violence-related violence discussed in the training, trauma is also a natural response to unnatural circumstances that triggers neurological and behavioral reactions.

Video. (9 MIN) [Slide 197] Faculty introduces the video titled, "Trauma and the Nervous System ..." from the Trauma Foundation, explaining that the video provides a basic introduction to trauma and an overview of how trauma affects our nervous system, which in turn impacts our behavior, health and well-being. **(Faculty Note:** The full title of the video includes reference to "Polyvagal Theory," which has some controversy associated with it. The video is not used in support of the theory, but to provide a compressed explanation of the effects of trauma on the brain, the nervous system, and behavior.)

<https://www.youtube.com/watch?v=ZdIQRxwT1I0>

Large Group Share. (11 MIN) After the video, **[Slide 198]** faculty asks participants to share their thoughts regarding the impacts of trauma with the following prompt/questions:

- *Have you seen trauma responses from litigants before the court? How about with domestic violence-related matters?*

- *Have you seen trauma responses from judges, court staff, and others who work in and around the court?*
- *How do you think trauma impacts a court's/community's recovery from a violent incident?*

Faculty does not need to record the responses, and instead should use the prompts to encourage the group to share their thoughts about the nature of trauma and trauma-responsive behaviors they have experience with. Faculty closes the discussion by providing a lecture with additional information about trauma and trauma response.

B. Trauma and Trauma Response

Lecture (10 MIN) [Slides 199-205]

Using examples from the video and tying in the information from the Large Group Share, faculty provides a lecture on trauma and its impacts that includes the following points/information. (**Faculty Note:** Faculty should quickly cover points that participants themselves drew from previous modules and exercises in the training and spend more time on those that were not included or discussed.)

- **[Slide 199]** Trauma can be individual:
 - An individual's experience of a threat to their (or a loved one's) life or psychological or bodily integrity; and
 - The individual's response in terms of coping with an incident, including the ability to integrate his or her emotional experience.
- Trauma can also be collective, affecting communities as a whole. This includes cultural or historical trauma, which can impact both individuals and communities across generations.²⁶

²⁶ Dr. Maria Yellow Horse Braveheart (1999) conceptualized historical trauma as "a constellation of characteristics associated with massive cumulative group trauma across generations."

- **[Slide 200]** Trauma theory incorporates both the external experience (what happened to the person/group) and the unique individual response to what happened. This understanding has transformed the way systems respond to trauma and work with survivors.²⁷
- Trauma can impact the brain by altering neuropsychological make-up and ongoing health and well-being (highlighting some of the information from the video, *e.g.*, impacts to amygdala, brain development, and brain response).
- **[Slide 201]** Trauma can impact behavior. (**Faculty Note:** Faculty should refer back to Module 3's discussion of DV victims' behavior in and out of court and the links between that behavior and trauma and note that the next segments will address additional ways that people respond to trauma and the perception of that trauma response by others.)
 - Overwhelming one's capacity to cope with every day or "normal" stresses.
 - Victims of trauma often repress memories of traumatic events, which is a defense mechanism that helps the human psyche protect itself from pain.
 - Minimization, denial, and memory loss can be symptoms of psychological trauma, and victims may not initially reveal their victimization due to fear or forgetfulness related to trauma.
 - **[Slide 202]** Victims may have had prior negative or traumatic experiences with law enforcement, the courts, or domestic violence and may be afraid or distrustful as a result.
 - Victims may be part of communities with their own history of trauma that affects their trust in law enforcement and other systems, including courts.

²⁷ The "Three E's" of Trauma Theory, developed by SAMHSA are – event, experience, effect.

https://ncsacw.acf.hhs.gov/userfiles/files/SAMHSA_Trauma.pdf

- Difficulty in disclosure or identification of post-traumatic symptoms or reactions can lead to lack of referral for screening, services, and treatment.
- **[Slide 203]** Trauma can be secondary (or vicarious), chronic, acute, and cumulative (*e.g.*, toxic stress).
- Types of traumas can include:
 - Abuse (sexual/physical/emotional) and neglect
 - Interpersonal violence
 - Victim or witness to domestic violence
 - Accidents/illness/medical procedures
 - Natural disasters, war, or terrorism
 - Racial and historical
 - Workplace violence, including shootings
- **[Slide 204]** Everyone's experience of events or circumstances is unique, and what may be experienced as traumatic by one person may not be by another.
 - How an individual assigns meaning to and is disrupted by (physically or emotionally) an event will determine whether it is experienced as traumatic. This can be linked to a range of factors including past trauma, culture, and the availability of social support.
 - Long-lasting adverse effects may occur immediately or over time, and the individual may or may not recognize the connection to a traumatic event.
- **[Slide 205]** Survivors of trauma may lose a sense of safety, trust, and their ability to impact the world.
- Trauma can affect access to resources as those impacted by trauma may:
 - Avoid reaching out,
 - Be distrustful of responses to their trauma and wary of re-traumatization (including distrust of law enforcement/justice systems), including misperception of their appearance, demeanor, etc., and
 - Be unable to reach out for connections to resources.

- Trauma's nature and impact is complex: trauma is the sum of the event, the experience, and the effect.

BREAK (15 MIN) [SLIDE 206]

C. Secondary or Vicarious Trauma

Video, Lecture, and Think/Pair/Share Exercise (35 MIN) [Slides 207-212]

Faculty informs participants we will focus on a particular type of trauma: secondary or vicarious trauma, explaining that trauma can include many overlapping forms. For court systems and those working with victims, this can include the trauma experienced by those coming to court, the impacts of dealing with trauma survivors felt and experienced by court staff, as well as the trauma of violent incidents experienced directly and indirectly.

Video and Lecture. (20 MIN) [Slide 208] Faculty shows a clip of a video, titled, "Beyond the Cliff," introducing it as a portion of a TEDx© talk given by Laura van Dernoot Lipsky of the Trauma Stewardship Institute, discussing what secondary or vicarious trauma is and the cumulative toll that can occur when we are continuously exposed to suffering, hardship, and crisis. **(Faculty Note.** Faculty explains that we are only showing a portion of the video, starting with a segment after the speaker explains her own history of trauma. The video should be shown starting from 3:25. Depending on time, faculty may play the rest of the video (which is approximately 16 minutes) or stop at 5:32.)

<https://www.youtube.com/watch?v=uOzDGrcvmus&t=938s>

After the video, **[Slide 209]** faculty provides a short lecture highlighting elements of secondary or vicarious trauma relevant to our focus on recovery and engagement.

- Courts are by their nature and structure continuously involved in hearings, interactions, and responses to cases involving:
 - Domestic violence,
 - Sexual assault,
 - Child abuse,
 - Animal abuse,
 - Homicides,
 - Abductions,
 - Trafficking, and
 - A range of other acts of violence.
- The effects for those within the court systems may be felt physically, emotionally, behaviorally, cognitively, interpersonally, and spiritually and can persist for months and sometimes years.
- Survivors of domestic and other types of violence can carry their experiences of trauma and toxic stress everywhere, including in courtrooms and in their interactions with court staff.
- **[Slide 210]** The signs of secondary/vicarious trauma can include:
 - Stress, both from individual occurrences and cumulative exposure.
 - Burnout, which is the depletion of our resources, both physical and psychological, caused by our desire to achieve certain standards and expectations that are often impossible to achieve. At some point, we become overwhelmed with the knowledge that it is not possible, and cynicism, pessimism, and negativity set in.
 - Compassion fatigue (or empathetic distress).
 - Secondary/vicarious trauma can be a short- and long-term consequence of working with trauma victims/survivors as well as from particular events/incidents.
 - The experience of court professionals can parallel (mirror) those experienced by trauma survivors.

Think/Pair/Share Exercise. (15 MIN) [Slide 211] Faculty asks participants to take a moment to think about their experience(s) with secondary or vicarious trauma as well as the coping methods (self-care/wellness) they have developed, using the following prompting questions:

- *Have you seen instances of vicarious trauma in your workplace?*
- *How has it affected your or your colleagues' well-being (physical, emotional, cognitive, interpersonal, spiritual, etc.)?*
- *What wellness or self-care strategies work for you (or what ideas have you learned from others)?*
- *How do you help colleagues who aren't reaching out for support (but need help)?*
- *What does your court do to mitigate secondary trauma or trauma-response?*

After providing 2-3 minutes to think, faculty asks participants to pair up with another participant to discuss. The remaining time will be spent on a report back from the pairs about their discussion. (**Faculty Note.** It is important to give the pairs enough time to share their experiences, and start to discuss their ideas and practices for wellness. The discussion provides an opportunity for the participants to decompress from the discussion of trauma and its impacts as well as to start thinking about response to that trauma, both individual (self-care) and systemic (trauma-responsive practice), which is the focus of the next segment.) Depending on time, faculty can ask a few volunteers to share their answers, including asking about ways judicial and court leadership can promote wellness among court staff.

Faculty closes out the segment **[Slide 212]** by noting that vicarious or secondary trauma is often overlooked or put on the back burner in our daily work lives and in recovery from a traumatic event. It is often hard enough to just get the day-to-day work done in courts with shrinking resources and increased caseloads. The work can be further complicated when dealing with complex and sensitive cases such as domestic violence cases. All of this can lead to burnout and vicarious

trauma, which can make the important work that courts do even harder and make recovery from a violent incident at the court more challenging.

Faculty explains that next we will look at how individuals, systems, and communities respond to trauma can facilitate healing and recovery or can be re-traumatizing. In order to develop effective recovery and engagement strategies, it is important that courts and communities understand and implement trauma-responsive practices.

D. The Basics of Trauma-Responsive Systems
Videos, Lecture, and Large Group Poll (30 MIN) [Slides 213-220]

Faculty begins by stating that in the previous segment we learned about trauma and trauma-responsive behavioral adaptations, explaining that the NCJFCJ defines a “trauma-responsive” court/system to mean a system in which environments, practices, policies, and persons limit unnecessary stress and promote healing in those who have been trauma-exposed, to include court consumers and court professionals. Faculty tells participants this segment will apply that definition to the DV AWARE framework and the focus on recovery and engagement.

Large Group Poll. (5 MIN) Faculty asks participants to indicate by a show of hands *how many have heard of or been trained on trauma-informed or trauma-responsive practices?* Based on the responses, faculty may choose individuals to elaborate on what they know and the training they have received. The goal is to gain information not only about the level of information participants’ have about trauma-responsive practice, but also to highlight the different application of trauma-responsive principals to the different systems—court, police, advocate, etc., that are represented in the training.

Lecture and Videos. (25 MIN) Faculty provides some foundational information about trauma-responsive practice, breaking up the lecture by showing video clips.

- **[Slide 214]** A trauma-informed or responsive system is one in which all parties recognize and respond to the impact of traumatic stress on those who have contact with the system.
- Programs and agencies within such a system infuse and sustain trauma awareness, knowledge, and skills into their organizational cultures, practices, and policies.
- They act in collaboration, using best practices to maximize safety, facilitate recovery, and support their ability to thrive.
- **[Slide 215]** The Substance Abuse and Mental Health Services Administration (SAMSHA) has set out the “four R’s” of trauma-responsive practice as well as six key principles:
 - The “4 R’s” are: realize, recognize, respond, and resist.
 - **[Slide 216]** The six key principles are: resiliency and recovery; understanding trauma and stress; collaboration and empowerment; compassion and dependability; safety and stability; and cultural humility and responsiveness.

After briefly providing some explanation of each of the “4 R’s,” and the six key principles, faculty shows the first video, **[Slide 217]** introducing it as a short animated version of a discussion by Brené Brown, titled “Brené Brown on Empathy.”

<https://www.youtube.com/watch?v=1Evwgu369Jw>

Faculty then points out that individuals’ trauma-responsive adaptations can make little sense to those not impacted by trauma and may seem hostile, uncooperative, or irrational. **[Slide 218]** “An essential component to being trauma-informed is to understand these behaviors not as character flaws or symptoms of mental illness, but as strategies ... developed to cope with the physical and emotional impact of ... trauma.”²⁸

²⁸ Substance Abuse and Mental Health Services Administration (SAMHSA).

Faculty shows the next video clip **[Slide 219]**, introducing it as a continuation of the discussion of what trauma-responsive adaptations may look like. They explain that the video is part of a discussion by Dr. Joy De Gruy titled, “Post Traumatic Slave Syndrome. How is it Different than PTSD?” exploring individual and historical trauma and the behavioral adaptations that have resulted. (**Faculty Note:** The video should be shown from the beginning to the 3:03 mark)

<https://www.youtube.com/watch?v=Rorgjdvphsek&t=1s>

After the video clip, faculty continues with the lecture.

- **[Slide 220]** Evidence suggests that many persons who come in formal contact with the courts, for reasons other than being victimized, are likely to have histories of substantial adversity or trauma.
- Trauma-responsive models and frameworks for systems:
 - Normalize human responses to trauma,
 - Shifts our conceptualization of symptoms (symptoms are survival strategies),
 - Integrates multiple approaches,
 - Recognizes the impact on system employees, practitioners, organizations and systems, and
 - Rehumanize the experience of dehumanization.

E. Trauma-Responsive Practice Self-Inventory **Large Group Exercise (17 MIN) [Slides 221-223]**

Faculty next asks participants to engage in a “self-inventory” of their trauma-responsive practices. (**Faculty Note.** For each of the steps in the exercise, Faculty should provide the group five minutes, and then move them along to the next stage.)

Faculty explains that working as a large group, participants first should identify ways their court/agency/office already incorporate trauma-responsive practice. This can include in each individual within the group's the workplace (workplace policies/procedures), in the courtroom (with litigants and other staff), or in the court culture generally (access, environment, etc.). The large group can use flipcharts to organize and note the identified practices. Next, the group is asked to discuss the practices they identified, comparing and discussing the different ways they incorporate trauma-responsive practice into their workplace(s). Finally, participants are asked to generate and note ideas for how they can incorporate more trauma-responsive practices into any of the current practices and/or how any of their current practices may be improved.

Faculty **[Slides 222-223]** closes the segment with the following points:

- Like with risk awareness and analysis, there are multiple tools and resources available to help organizations, including courts, and communities assess their trauma-responsiveness, improve their practice, and assist with planning and implementing recovery and engagement strategies. **Handout 13** includes some of these tools and resources.
- Court systems and their partners can implement trainings that provide practical information and focus on identifying, preventing, addressing, and mitigating symptoms of secondary/vicarious trauma.
- They can promote trauma-responsive practice in staff's everyday interactions with litigants as it facilitates access to justice for survivors and offenders, safety, as well as enhanced public confidence in the court system.
- Assess the current culture of your courthouse through a victim-centered lens, both inside and outside of courtrooms (through staff meetings, judge's meetings, reviewing recordings of hearings, etc.) Courts are uniquely positioned to promote healing. The interactions of court staff and system stakeholders during vulnerable and often scary times can either promote healing and resilience or can add to the trauma and stress of the individuals who are involved in the system. But first, they must

understand and recognize the impact of trauma on a person's well-being and promote an organizational culture that considers structural and environmental conditions as critical components in the healing process of trauma victims. Fostering a more encouraging environment for litigants to pursue legal relief will enhance the culture of the court.

END OF DAY TWO [SLIDE 224]

III. RECOVERY STRATEGIES: FOCUSING ON SAFETY, HEALING AND COMMUNITY (170 MIN) [SLIDES 225-261]

Faculty explains that a common theme for recovery may be a return to feeling safe within the courthouse and/or community. It can include assurances to the public that those responsible for handling recovery are competent and able to handle that recovery. Like with understanding domestic violence dynamics, considering the context in which an incident occurs—the where, what, how, and other details—are key to courts and communities considering and implementing strategies, policies, and procedures guiding stakeholders in recovering from a domestic violence-related incident.

A. What Does Recovery Look Like?

Large Group Free-Think Exercise (10 MIN) [Slide 225]

Faculty leads a free-think session to create a list of descriptors and acts the participants associate with the recovery from a traumatic incident. The ideas should not be criticized or discussed. Simply use a flip chart or whiteboard to record each answer as it is offered without any comments, notes, or questions for five minutes. Participants may build on ideas voiced by others. The recovery ideas expressed can be used as reference points throughout the rest of the segment to highlight aspects of recovery strategies.

Faculty starts the exercise by stating that one way to describe recovery is healing or the ability to live in the present without being overwhelmed by thoughts or feelings about past trauma. Recovery can be different for each individual. This is also true for each court and community. Faculty asks the participants to share their ideas on what recovery might mean to them and their community in the aftermath of a violent incident. The questions posed to the large group are:

- *What do you think recovery means in the context of a violent incident impacting a court?*
- *Who do you think is involved in the recovery process?*
- *What are the goals?*

Faculty uses whiteboards or flip charts to record themes from the large group's answers and discussion. (**Faculty Note:** The goals and themes identified should be organized and used in the following exercises as guides for the participants.) At the end of the time, faculty informs participants that next they will engage in a series of exercises meant to look at recovery strategically and in stages, including the short-term, the longer term, and some of the elements that may be considered by courts and communities in their strategic planning for recovery.

B. Short-Term Strategies and Focus
Lecture and Large Group Exercises (55 MIN) (Handout 14) [Slides 226-230]

Faculty provides participants a handout containing a scenario based upon a domestic-violence related incident that occurred in a courtroom, explaining that each page of the scenario contains additional information about that incident and its impacts, which will be discussed in subsequent segments. For the first exercise, participants will read only the first page. (**Faculty Note.** The idea for this exercise is to build on the original facts involved in the described incident to examine different aspects of recovery. For instance, one set of facts will include the judge, the victim, and the perpetrator. Additional facts will be focused on employees, witnesses, and members of the public hearing about the incident.)

Scenario – The Petition Hearing. [Slide 227] Magistrate Lobato is presiding over a petition for a final civil protection order in a case involving domestic violence. The case is on the public docket and the courtroom has court staff, attorneys, advocates, and members of the public moving in and out of the chambers. The Respondent is representing himself, and while cross-examining the Petitioner, begins yelling at the Petitioner and is becoming increasingly agitated. **[Slide 228]** Magistrate Lobato does not have a bailiff in the courtroom and asks the clerk to contact the Sheriff. Before the Sheriff can arrive, the Respondent approaches the Petitioner and physically assaults and starts to strangle her. The Respondent renders her unconscious, runs out of the courtroom, and flees the courthouse. Paramedics arrive to treat the Petitioner, who is taken to the hospital while still unconscious, and anyone else in the courtroom.

Large Group Mapping. (10 MIN) Faculty first asks the participants in the large group to look again at the original court facility map developed during the Icebreaker Exercise (Module 3), and share out ideas of what area(s) of the facilities they mapped are likely to be impacted by the incident as well as how they may be impacted. (*e.g., asking: are areas closed? what does that mean? is the whole building evacuated? for how long?*)

Large Group Exercise. (15 MIN) Next, faculty asks the participants to work as a large group and use the whiteboards or flip charts provided to identify the steps needed to facilitate the court's recovery in terms of the immediate or short-term response to the incident described. (**Faculty Instructions:** Faculty should prepare the whiteboards or flip charts for this exercise with each board or chart containing one of the goals or themes identified by the group in the previous exercise. Depending on the input received, faculty may also create charts/boards with themes such as "Facility," "Outreach," "Communication," and "Other" to provide some organization guides for the participants' discussion.)

Faculty tells participants to consider their answers regarding the facility impact they just mapped and their goals for recovery, as well as the impact to the

Petitioner, Magistrate Lobato, and others within the court and/or community.

Some prompting questions [Slide 229] can include:

- *What is the goal of short-term recovery?*
- *What might be the process for closure and re-opening of the courtroom? Who is responsible for those processes?*
- *What are the immediate steps for communication about the incident to court building staff?*
- *What outreach is conducted to Magistrate Lobato? The Petitioner? The Community?*

After 12-15 minutes, faculty asks the participants to read the second page of the handout, which contains additional details about the same incident.

Handout Scenario Facts 2 – After the Petition Hearing. [Slide 230] Present in the courtroom during the assault is Rose, the Petitioner’s advocate, as well as the Petitioner’s attorney, Janice, who works pro bono for the local domestic violence shelter. Jeff, a new judicial employee and a recently discharged veteran, was also present as he was training with the court clerk. The courthouse offices include a self-help center, and multiple staff at the center worked with the Petitioner and Rose, helping them through the process of for applying for the protection order and connecting Petitioner with local domestic violence services, including the shelter and treatment.

Large Group Exercise. (15 MIN) [Slide 231] Faculty asks the large group to consider what these additional facts add to the steps and considerations for short-term recovery and then use the same whiteboards to work through identification of any additional immediate steps identified. Some additional prompting questions can include:

- *What are the immediate steps for communication about the incident to the self-help center? The shelter? Local advocates?*
- *What outreach is conducted to Jeff? Rose? Janice? The community?*

After 8-10 minutes, faculty asks participants to share out some of the elements that were identified by the group, highlighting and discussing elements of short-term recovery and issues that were raised or discussed.

C. What Do Short-Term Recovery Strategies Include?

Lecture (15 MIN) [Slides 232-233]

Using examples from the exercises, faculty provides a lecture quickly emphasizing points that participants themselves identified as well as any elements not discussed. Participants should be encouraged to chime in with input, ideas, or points in response to any of the learning points and questions. Faculty begins by stating that when considering short-term recovery from a violent incident, safety and normalcy are terms often used to describe the goal or focus. What needs to be included within a recovery plan to move towards safety and normalcy for the court and the community?

- **[Slide 232] Immediate Focus on the Impact to Court Staff.** As with any workplace violence, the impact of a domestic violence-related incident in a court both directly and indirectly impacts all court staff in some manner. Recovery planning should include considerations of:
 - What are the personnel or other policies regarding options available for staff, including time off?
 - During and after any closure, who will cover any staff responsibilities during this period?
 - How much time off do judges need? Who will cover their dockets? In smaller communities or tribal lands, how does coverage happen?
 - What are the therapeutic interventions available? Is mental health treatment available?
 - Is the treatment trauma-informed? What type of treatment? Who is providing the treatment? Who pays and what are the limitations?

(e.g., how many hours of treatment? Are there differences regarding treatment access for city, state, or county employees?)

- What is the court's responsibility vis-à-vis others? Litigants, lawyers, service providers?
- **Incorporation of Trauma-Responsive Practices.** Consider and incorporate trauma-responsive models and frameworks for systems into short-term recovery strategies in order to ensure that policies, procedures, and plans:
 - Normalize human responses to trauma,
 - Shift our conceptualization of symptoms (symptoms are survival strategies),
 - Integrate multiple approaches,
 - Recognize the impact on system employees, practitioners, organizations, and systems,
 - Re-humanize the experience of de-humanization,
 - Consider and incorporate SAMSHA's six key principles, and
 - Consider the impact and the role of secondary or vicarious trauma at the professional, organizational and personal level:
 - Awareness of needs, limits, emotions, and resources,
 - Balance amongst activities of work, play, and rest,
 - Connection to oneself, others, and something larger,
 - Include self-care considerations to prevent or cope with secondary or vicarious trauma, including:
 - ✓ Nutrition,
 - ✓ Physical activity,
 - ✓ Rest and relaxation,
 - ✓ Support systems,
 - ✓ Social contacts, and
 - ✓ Support to others.
 - Provide support to colleagues who may be impacted directly by domestic violence that includes:
 - ✓ Safety concerns and safety planning,

- ✓ Trauma-informed strategies, and
- ✓ Sample policies and procedures/
- **Immediate Focus on the Facilities.** After an event, it is important to develop and implement concrete steps regarding the area(s) of the court impacted and considering the individual court facilities in question.
(**Faculty Note.** Faculty offers an example of how quickly the area impacted by an incident is cleaned and repaired before staff has to re-enter and re-use a space.)
 - What plans are in place to provide guidance to the court and its staff for the immediate steps to recover from an incident?
 - What are the goals and timeline for short-term recovery?
 - What is the evacuation procedure and the procedure for returning to the building or any spaces within the building?
 - What is the extent of any closure? (*i.e.*, does it extend to office space?)
 - How long will the courtroom be closed? To the public? To the staff?
 - Who communicates with law enforcement about the gathering of evidence, witness statements, etc.?
 - Are there barricades or other barriers to seal or block off the public from viewing the area?
 - What is the process for clean up?
 - Who actually is responsible for the physical plant of the court? For maintaining any closure? Whose jurisdiction is it under? Tribe, city, state, or county? Are these agencies/parties within the courthouse?
 - Who is responsible for the court-related functions of the courthouse and what is their role in the procedure?
 - If an incident occurs outside of the court building, what are the physical boundaries for which the court has a responsibility?
 - Are there areas where access can be restricted without being too draconian, paranoid, impractical, or unreasonable?
 - How long will grounds/parking area be inaccessible?

- **Immediate Focus on Community.**
 - Transparency. Trauma-responsive strategies include honesty and transparency. Though there may be an inclination to hold back information out of concerns such as liability, experience tells us that things eventually surface and that living in a day of quick-moving gossip, misinformation, and social media, honesty and transparency are more likely to aid recovery.
 - Outreach. The courtroom is a public building that houses not only employees of the court system but those engaged in the judicial system such as advocates, self-help staff, and lawyers, as well as members of the public engaged in court business or within the court building for other purposes. When a domestic violence-related incident happens within a court building, part of the short-term recovery strategy should include consideration of the impacts beyond the immediate court staff and outreach to those impacted.

(Faculty Note. Communication strategies and planning will be discussed more in a following segment.) Faculty wraps up the segment with the following learning points **[Slide 233]**.

- If you're not caring for yourself, you won't be able to help others (*e.g.*, oxygen mask analogy)
- Court and community leaders can develop policies and assistance plans recognizing that trauma is a serious and real consequence of their work as court professionals and include in those policies a focus on the necessary steps for short-term recovery after a domestic violence-related incident that includes those impacted directly and indirectly.

D. Longer Term Recovery and Engagement
Lecture, Large Group Free Think, and Large Group Exercises (40 MIN)
[Slides 234-242]

Segment Focus. After the immediate or short-term responses and plans for recovery are implemented, what is included in the longer-term recovery process? How does that process incorporate not only what we know about trauma-informed response and the elements of the short-term focus, but the other elements of DV AWARE as well as Engagement?

1. Re-thinking What Recovery Looks Like
Large Group Exercises (25 MIN) [Slides 235-238]

Faculty refers participants to the ideas developed in the previous segment, focusing on participants' ideas about the concept of recovery. Faculty reminds the participants of the questions posed [Slide 235]:

- *What do you think recovery means in the context of a violent incident impacting a court?*
- *Who do you think is involved in the recovery process?*
- *What are the goals of recovery?*

Large Group Share. (10 MIN) Faculty asks the large group to share out which of the concepts, ideas, and goals they identified in the exercises they would place in the category as part of longer-term recovery. They then follow up by asking the participants if there are any additional concepts, ideas, and goals they would include as part of long-term recovery that they did not name at the beginning of the segment. Depending on space, Faculty notes the responses on the existing flip charts/whiteboards or on new ones. After allowing 8-10 minutes for the group to share, faculty directs them to look at the final set of additional facts in the handout fact pattern discussed throughout the segment.

Handout Facts 3²⁹ [Slides 236-237]: The district where Magistrate Lobato presides covers four rural counties, and each county seat has a small courthouse, three of

²⁹ The scenario is intended to facilitate a conversation about community engagement dynamics in the long-term recovery process and is only one example. The scenario can be adjusted to be

which were built over 30 years ago. The four counties include some small towns as well as small and more spread-out agricultural communities. Court funding in the district provides limited courthouse security measures, to include just a wand and metal detector bought from the federal government. In one county, the population is so small that a circuit judge only comes by once every two weeks to hear cases, and there has never been security because people know each other. The Sheriff's Department provides additional security as well as response to any courthouse incidents within the various district courthouses. There is also a tribe in the district whose lands cover two states. The Petitioner is a member of one of the tribes located near the courthouse and the Respondent is not. The population in the district includes many migrant families that come in for seasonal work. Given the small population, many within the community have friends or family members that work in or around the courthouse.

Large Group Exercise. (15 MIN) [Slide 238] Faculty asks the participants what these additional facts add to the considerations and strategies for recovery, this time considering the incident and looking at the longer-term recovery of the court and the community. Participants can use the same whiteboards or flipcharts they worked on for the short-term responses as a guide or use new charts/boards to work through identification of any thoughts and to organize them as they see fit. Some prompting questions include:

- *What are the differences between strategies for long-term recovery and the short term?*
- *When we shift the focus to long-term recovery, what are the additional considerations?*
- *Who is included in the planning and design of long-term recovery strategies?*

more relevant and reflective of the community in which in training is conducted, *e.g.*, Magistrate Lobato's court could be in a dense urban area, a large or small suburban community, etc., with different demographics or specific challenges.

After 8-10 minutes, faculty asks for examples from each of the groups and engages in discussion with the participants, highlighting and discussing elements of the longer-term strategies and focus of recovery identified, any ideas about recovery that may have changed and what remained the same.

BREAK (15 MIN) [SLIDE 239]

2. Including Community Engagement in Recovery

Large Group Think and Share Exercise (15 MIN) [Slides 240-243]

Faculty informs the participants that we will use the handout scenario facts to continue the discussion on recovery in the longer-term, but shift the focus to the role of community engagement in that recovery. (**Faculty Note.** The facts in the handout scenario will be used to facilitate a conversation about community dynamics in the long-term recovery process, including the discussion of bias, culture and cultural humility, procedural justice, and other challenges facing communities regarding engaging after an incident. As indicated in Footnote 5, the facts can be changed to reflect the community in which the training occurs, and therefore, the conversation on community dynamics may change based on the community's challenges and opportunities. The goal is not to provide an answer about how to address these issues within a community, but to provide an opportunity for those issues to be raised within the participant groups and discussed as part of the overall strategy and plan for long-term recovery from a domestic-violence-related incident.)

Faculty asks the participants to take a moment to consider the community described in the handout and what they think engaging with the community might look like for Magistrate Lobato and the court after the incident. After providing 2-3 minutes to consider, faculty asks participants to share out to the large group their ideas regarding community engagement as part of the recovery

process. Faculty may flip chart or whiteboard the input received. **[Slide 241]** Some prompting questions might include:

- *Who is responsible for community engagement about the incident?*
- *When is that engagement conducted?*
- *What are the challenges with engaging effectively with the community described in the scenario?*
- *How does the court's engagement with the community relate to long-term recovery?*
- *Would it make a difference if there are no further judicial proceedings involving the parties to the incident?*

Faculty engages in a discussion with the large group, highlighting elements of recovery already discussed and steering the conversation towards engagement with diverse communities and those with specific challenges, *e.g.*, the tribal lands and the tribal identity of the Petitioner, using some of the discussion of bias from the previous modules as a guide.

After providing about 5-7 minutes for the large group discussion, faculty closes out the segment with the following points:

- **[Slide 242]** Effective community engagement planning and implementation is part of strategic planning for long-term recovery.
- Courts, court facilities, and employees are part of the larger community and serve an important role as the public faces of justice within that community. Their response to domestic violence-related incidents within the community can affect perceptions of both access to justice and procedural justice.
- Community engagement strategies should include trauma-responsive practice ideas, including SAMSHA's six key principles.
- **[Slide 243]** Consider again the discussions on bias and the lenses through which we view the world, and include those considerations when designing and implementing community engagement strategies that

account for cultural differences such as language, history, and perceptions of the justice and legal community.

- Like with other elements of recovery, engagement with the community regarding a domestic violence-related incident has the potential to help the community heal or re-traumatize.

Faculty closes the segment by informing participants that we will now consider other areas of long-term recovery and engagement—post-incident review and communication.

**E. Recovery and Post-Incident Review – Accountability v. Blame
Video, Lecture, and Large Group Share (25 MIN) [Slides 244-248]**

Faculty notes that making sense of a traumatic experience and telling the story of what happened is an important step toward healing and recovery. After an event, however, there is an impulse to find someone or some system to blame or a tendency to shift responsibility. For the purposes of developing successful recovery and engagement strategies, it is important for communities to focus on accountability and not blame.

Faculty tells participants we will be playing a short video **[Slide 245]** from Brené Brown on exploring the difference between accountability and blame and how blame can prevent proper accountability.

https://www.youtube.com/watch?v=RZWf2_2L2v8

Large Group Share Exercise. (10 MIN) At the end of the video clip, faculty asks participants to share out to the large group their thoughts about the differences between blame and accountability for incidents like the domestic violence-related events that are the focus of the training. This exercise should not be recorded on white boards, but should provide participants an opportunity to talk about any incident they have experienced and the aftermath, including whether that aftermath involved an effective incident review or any experience where blame

became the focus. The goal is to engage in an open discussion about the impact of post-incident review on recovery and engagement. (**Faculty Note.** This discussion is intended to help the participants have a dialogue about the impact of incidents and the role of accountability. As the discussion may include personal stories or experiences of violence, faculty may wish to provide some warning to the participants that the discussion may be difficult for those who have experienced trauma and state they are welcome to leave or take other self-care steps as needed.)

Lecture. (10 MIN) Building on the video and the examples discussed in the Large Group Share Exercise, faculty provides a quick lecture regarding post-incident review and its role in long-term recovery and engagement for courts and communities. Participants should be encouraged to chime in with input, ideas, or points in response to any of the learning points.

Accountability and Recovery [Slides 246-248]

- Fatality or incident reviews are a common part of recovery and engagement plans and procedures for communities impacted by violence.
- They can provide group review of an incident to consider and address questions like:
 - What pre-incident indicators could you have recognized before a court incident happened?
 - What are some available tools (for identification, prevention, mitigation, action, etc.) that were used?
 - What are some of the tools that could have been used?
 - How was the response to the incident successful?
 - What elements could be improved?
 - What improvements or additional policies, procedures or guidelines are needed? (*e.g.*, de-escalation, mediation, treatment, etc.)
 - What are some new ideas that could be implemented?
- There are multiple guidelines and models out there for communities to use to build their own incident review methodology, plans and

procedures, including those specific to domestic violence-related incidents and fatalities.³⁰

- Like with all other aspects of recovery, it is important to incorporate trauma-responsive practice into whatever model or procedure is adopted.
- This includes consideration of community engagement, both in the process of review itself and the communication of the findings.
- It also includes consideration of the different impacts an incident may have within a community as an element of recovery.
- The focus should not be on blame for past events, but trauma-responsive review of an incident with the goal of improvement and long-term recovery for the court and the community.
- Courts are in a novel position regarding incident reviews. A central part of court and judicial functions is impartiality and the appearance thereof, which is also of importance to effective incident review. In addition, court administration includes the development of policies and procedures, including workplace policies and procedures that are relevant to consideration of an incident and community recovery. A focus on improved courtroom culture can bolster efficiency and morale for court staff, particularly one that is in recovery.
- A goal of incident review should be a sincere desire to improve the system based upon honesty and transparency.

Faculty closes out the segment and tells participants that we will now look a little more closely at communications as part of the recovery and engagement process.

**F. Recovery and Communications: Effective Communications Strategies
Lecture and Large Group Exercise (25 MIN) [Slides 249-263]**

Faculty starts the segment with a short lecture (7-10 minutes) regarding communication in the context of recovery and engagement, including the following points.

³⁰ See e.g., <https://vawnet.org/sc/approaches-and-recommendations-fatality-review>.

- **[Slide 250]** Woven through all of the elements of DV AWARE, including recovery and engagement, is communication.
- As we have seen in the different modules, communication can mean internal discussions, planning, warnings, and outreach as well as external communication to the community regarding an event and the response. Some of those communications are confidential and internal, while others are, and should be, public and part of a transparent public process.
- Development and implementation of effective communications strategies that incorporate the different focus areas surrounding an incident is an important element of recovery and engagement. It can assist with perceptions of safety, competence, and normalcy or damage those perceptions if done incorrectly.
- Communication with media (including any social media) outlets should be carefully considered as part of any communication strategy, which includes the initial question of who should talk to the media and who should not (or cannot) talk to the media.
 - **[Slide 251]** In many jurisdictions, the state's court administrators have in their offices people who are the sole press contact, handle social media for the judicial branch, or control public information on the website.
 - Ethical considerations may dictate who can engage with the media and the restrictions on any such communication.
 - Communicating in a manner that is concise, unclouded by legal jargon, relevant to the subject, and with an awareness of ethical restraints best serves the needs of the public.
 - **[Slide 252]** It is important to be aware of the type of outlet seeking information. Judicial involvement in opinion-based media outlets may raise ethical concerns in that there is no control over the questions and the use of the content.
 - Consider the role of relationship building with the media before any incident. This can be done in an ethical manner by the judiciary

through information sessions, tours of the facility, and offers by the court administrator for court access when appropriate.

- The advantage of a collaborative is that relevant educational information is provided from a cohesive, educated and specialized group whose existence is known by the community.
- Any spokesperson should speak as a representative of their individual agency.
- **[Slide 253]** Communicating with the media is one way of informing the public, but there are other methods including directly answering questions (*e.g.*, in a public meeting) or releasing information which may be published.
- Your communication strategies should address facility challenges, security access, and diverse populations' needs, including those with communication access needs, *e.g.*, non-English speaking populations, those with transportation challenges, and those who may need assistance in implementing protective actions (*e.g.*, children or older adults).
- Regardless of the method of communication, there is virtually no control on how something will be written or how information will be perceived. It is important to provide the information without expecting any particular result.

Large Group Exercise: (15 MIN). Faculty asks the participants to refer again to the incident described in the handout and work as a large group to develop ideas for a communication strategy regarding the incident. Faculty can provide the following as prompts **[Slide 254]** or ideas for the discussion:

- *Who should be assigned to speak to the media? To the public? To the Petitioner? To those directly affected like Jeff, Rose, Janice, and Magistrate Lobato? To other court staff?*
- *What information will be shared to the different groups (e.g., media, employees, public, etc.)?*
- *What information will be kept confidential?*

After providing the group 8-10 minutes to discuss their plans and strategies, faculty lead a report back, asking participants to offer some highlights from their plans, including any concerns or questions they had.

Lecture and Final Points. (10 MIN) Faculty provides a final lecture on long-term recovery strategies that includes the following points before moving on to the closing collaboration and action-planning exercises.

- **[Slide 255] Focus on Safety and Normalcy.** Like with short-term recovery, the ideas of longer-term recovery strategies include ideas of safety and normalcy as well as restoration, strengthening, and revitalizing. There are as many diverse solutions to recovery as there are problems. For example, the Sandy Hook school was demolished while the Emmanuel AME Church was reopened. After a traumatic event, it is important to provide both short- and long-term support for all involved in the event, the effects of which may last days, months, or years.
- **[Slide 256] Focus on Recovery Planning.** Developing your recovery plan prior to an incident will greatly enhance the ability to recover and heal. Once the plan is developed, train and re-train staff on that plan as well as their role and responsibilities. Your plan should include your capabilities to address saving lives, meeting basic human needs, and protecting property and the environment. **[Slide 257]** Develop a plan to notify disabled employees and visitors, which may include employees taking action to assist disabled patrons to recognize the incident and take protective actions. Provide a checklist if appropriate with contact information as well as their tasks and accountability procedures. Meet with responders to determine how best to coordinate actions, including having a liaison from the organization designated to assist responders with information on the facility and occupants. Work with support groups to identify appropriate recovery actions and recovery resources for immediate and long-term support.

- **[Slide 258] Focus on Review and Improvement.** After an event, it is important to consider and review the response to an incident in a way that includes transparency, collaboration building, and honesty. Rather than focusing on blame, the review should focus on accountability and the idea of continuous review and improvement.
- **[Slide 259] Focus on Procedural Justice.** Courts are a central part of the justice system, and any long-term recovery process must include considerations for procedural justice issues. These can include everything from details about recusal or changes of venue in a particular case to public access to the courthouse to perceptions of fairness.
- **[Slide 260] Focus on the Impact to Court and Community.** In addition to the short-term responses discussed regarding workplace violence, the impact of a domestic violence-related incident in a court both directly and indirectly affects all court staff in some manner and recovery planning should include the policies and procedures affecting the court staff as well as the larger community. After the event, it is incumbent upon leadership to provide resources to support those affected and policies should be in place that spell out those resources and how they can be accessed. This can include working collaboratively with local groups to identify appropriate recovery actions and recovery resources for immediate and long-term support.
- **[Slide 261] Focus on Continuous Follow-Up and Re-Engagement.** Acknowledgment of a trauma and effective recovery includes ongoing and continuous check-in and re-engagement with those affected, to ensure they are receiving the referrals or services they require, to keep them informed of the recovery process, and to offer the opportunity for involvement in finding and implementing long-term solutions.
- **[Slide 262] Incorporation of Trauma-Responsive Practices.** Consider and incorporate trauma-responsive models and frameworks for systems into your long-term recovery goals and strategies in order to ensure that they are included in your policies, procedures, and plans.

(Faculty Note. Faculty can discuss how recovery and engagement must consider different community perceptions and perspectives, *e.g.*:

- As an employee working in a place where people accused of assaultive or manipulative behavior frequent, what do I expect (or demand) out of my employer?
- As a person of color, member of a marginalized community, or one who has experienced systemic racism, what does being safe in the confines of a courthouse mean?)

IV. SELF CARE & ACTION PLANNING. (50 MIN) [SLIDES 263-264]

Faculty begins the segment by informing the participants that we will wrap up the module and the training first with a short self-care exercise and then move on to a continuation of our collaborative exercises and action planning. First, faculty explains they will show a short video from the Office of Victims of Crime (U.S. Department of Justice) titled, “Helping Victims of Mass Violence and Terrorism: Partnerships and Planning” and providing information and recommendations to communities regarding how to use partnerships and planning to implement effective recovery from violent incidents. **[Slide 263]**

<https://www.youtube.com/watch?v=SSkbHOHu3kY>

Faculty then moves on to the exercises **[Slide 264]**.

D. Self-Care. (5 MIN)

Faculty notes that the training has included more than two days of difficult topics, discussions, and focus on violence. As we have spent time discussing trauma and trauma response, we would like to close out the training by taking a moment and practicing some self-care. Faculty asks participants to sit with their back straight, and begin with three deep cleansing breaths:

- Draw the breath in slowly through the nostrils (if people are uncomfortable they can use their mouth),
- All the way down to the area of the belly,
- Then slowly exhale,
- Allowing the exhale to be slightly longer than the inhale.
- With every exhalation allow the shoulders to relax,
- After the third breath, we release all control of the breath and allow the body to return to its natural rhythm.
- Repeat the process for about 5 minutes

This allows one to access the parasympathetic nervous system.

**E. Collaboration Exercise – Recovery and Engaging Community Partners to Improve Safety
(15 MIN) (Handout 15)**

Faculty provides participants with the collaboration multiplier handout, which is the same as used in the prior modules, and instructs them to take some time individually to answer the questions provided, this time focusing on recovery and engagement when formulating their answers.

**F. Collaboration Exercise - Cycle of Continuous Improvement: Integrating the Elements of AWARE
(15 MIN)**

After participants finish their collaboration exercise on recovery and engagement, faculty asks them to pull out their responses to the exercises completed after the preceding modules (analysis, warning, and action). Working as a large group, participants will have 15 minutes to compare their responses to all of the exercises with the other members of their group and discuss ways to integrate and use their plans for collaboration.

**G. Final Exercise: Setting Concrete Next Steps
(15 MIN) (Handout 16)**

As a final step, faculty provides participants with a final action planning handout, asking them to identify three concrete ideas they have and/or steps they can take towards improving their court's and/or community's readiness and response regarding domestic violence-related incidents.

